

# COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

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## FOREWORD

In 2023, the human rights situation in the Council of Europe region saw an intensification of both persistent and emerging challenges. This Annual Activity Report provides a summary of the initiatives I have undertaken to assist member states in addressing some of the most critical human rights issues identified.

Over the course of the year, these have included visits to member states, the publication of reports and letters addressing urgent human rights concerns in ten member states. I appeared in a hearing before the Grand Chamber of the European Court of Human Rights, in the case of *Duarte Agostinho and others v. Portugal and 32 others*, which has significant implications for human rights and environmental protection and submitted two Rule 9 communications to the Committee of Ministers to advance the execution of two groups of cases. I also published an Issue Paper examining, from a regional perspective, the state of play in the processes of dealing with the violent recent past in the region of the former Yugoslavia, and highlighting that more and better efforts to deal with the past are needed in the region today to ensure a better and more peaceful future.

The year continued to be marked by the devastating effects of Russia's war of aggression against Ukraine. During my visit to Ukraine in March, I focused on two crucial issues: the human rights situation of children transferred to Russia or Russian-occupied territories of Ukraine, and the human rights of Crimean Tatars in Russian-occupied Crimea.

The challenge of reuniting Ukrainian children with their families or legal guardians is huge, complicated by the lack of adequate mechanisms and data. While some reunifications have taken place, sustained international support for Ukrainian and Russian civil society organisations and individuals facilitating these efforts remains essential.

The report on the Crimean Tatars highlights serious and overlooked human rights violations. Since Russia's illegal annexation of Crimea in 2014 and full-scale invasion of Ukraine in 2022, Crimean Tatars have faced a harsh reality. Arbitrary arrests, detentions, enforced disappearances, harassment, misuse of anti-extremism laws, forced conscription and illegal transfers of detainees to Russia are some of the main patterns of serious human rights violations identified in the report. International attention is essential to preserve the identity of the Crimean Tatars and to uphold their human rights.

Human rights violations have once again marked the last chapter of the long conflict between Armenia and Azerbaijan over the Karabakh region in 2023. I visited Armenia and Azerbaijan, including the Karabakh region, from 16 to 23 October. The focus of the visit was the human rights situation of people affected by the conflict, in particular in relation with the sudden mass displacement of over 101.000 Karabakh Armenians who fled to Armenia in a matter of days at the end of September. The visit to the Karabakh region was the first human rights mission of this kind in decades.

Throughout my visit to both countries, I heard reports of serious human rights violations related to the long-standing conflict and witnessed the deep suffering of civilians affected by the various outbreaks of hostilities over the years. I highlighted the importance of ensuring the human rights of all displaced persons, including their right to return in dignity and safety; to be protected from the dangers of mines and explosive remnants of war; the rights of detainees; and the right to know the fate and whereabouts of missing persons. I also stressed the need for independent and effective investigations into serious human rights violations and the importance of providing adequate and effective reparations to the victims. The urgency of combating hate speech and promoting coexistence and reconciliation initiatives was also underlined. A human rights-centred approach to reconciliation and peace-building in the Karabakh region is essential for the well-being of the affected populations and for lasting stability and peace.

Beyond the human rights situation in conflict zones, this year's report paints a worrying picture across Europe. There is a growing disregard for human rights standards and principles, with hostile narratives threatening the fundamental principles of the universality and indivisibility of human rights. In few areas is this more visible than in the approach to migration management, with deeply alarming levels of tolerance to serious human rights violations against refugees, asylum seekers and migrants taking root across Europe. Their rights are increasingly being undermined

and their dignity disregarded: pushbacks, inadequate responses to tragedies at sea, inhumane reception conditions and restrictive family reunification policies. These are all violations of human rights which are enshrined in universally recognised legal instruments. Still, they are so frequent that they hardly seem to register in the public consciousness.

A climate of hostility that scapegoats people in vulnerable situations is symptomatic of a wider problem of polarisation in society. The increasing intolerance faced by LGBTI people, exacerbated by political leaders for political gain in many member states, is another manifestation of this. They continue to face a range of threats to their dignity, safety and fundamental freedoms.

I have also continued to focus on protecting the rights of women and girls and on promoting gender equality. Retrogressive policies and rhetoric in several European countries are undermining progress made so far. Discrimination remains pervasive and past gains - such as in the field of women's autonomy and choice over their sexual and reproductive health and rights - are under threat.

At a time when society is still recovering from the economic, social and health consequences of the pandemic, poverty and social exclusion have reached alarming levels across the continent, including in wealthy countries. Yet, member states are still reluctant to fulfil their obligations under the European Social Charter to address the growing crises in the rights to adequate housing, health services, quality education, and an adequate standard of living.

Another facet of my work in 2023 has been the urgency of reversing the growing restrictions on civic space. The freedom to speak out, express dissent and receive trustworthy information continued to be under attack as documented in many of my exchanges with member states and public statements. In many European countries, there has been a disturbing decline in the safety and freedom of human rights defenders and journalists, who face a spectrum of reprisals ranging from judicial harassment and illegal surveillance to physical attacks. This situation already has serious consequences for democracy and the protection of human rights throughout Europe.

Moreover, the continued development and use of artificial intelligence applications pose new challenges, underscoring the need for robust legal frameworks to effectively protect human rights in this evolving context, strengthening transparency obligations, and establishing independent oversight structures.

While the current situation is daunting, it cannot be an excuse for giving up. Rather, it is a moment that calls for a renewed commitment to the principles and standards for which our Organisation stands. While indifference, backsliding or outright hostility to human rights seem to be everywhere, there are also widespread sources of hope and resilience. The Council of Europe Summit in Reykjavik in May, where Heads of State and Government pledged to reaffirm their commitment to our Organisation's norms and principles, is one such source.

Another is that even in the darkest moments of recent European history, such as the events following Russia's full-scale invasion of Ukraine in February 2022, and the serious human rights violations that continued in 2023, the resilience of multilateralism and commitment to human rights was evident. The collective response to this war, including humanitarian assistance, economic support and legal efforts to hold the Russian authorities accountable, underscores the continued commitment to cooperation and principled action.

Last but not least, in all the countries I visited in 2023, and more generally during my mandate, I met tireless NGOs, journalists, human rights defenders, national human rights institutions and activists, some of them very young. These remarkable individuals continue to stand up for human rights, often at great personal risk, underscoring the vital importance of continued engagement by international organisations. Their unwavering commitment in the face of adversity should be a powerful inspiration to us all.

To regain lost ground and advance the cause of human rights, we must find the way to harness these positive resources. This is the task before us, and it is one that we must address with determination and collective effort.

Dunja Mijatović

## 1 COUNTRY WORK

### Introduction

In 2023, the Commissioner continued to rely on country visits as an important means of pursuing a continuous, constructive dialogue with member states. With the continuation of the Russian Federation's war of aggression against Ukraine and of tensions and hostilities in and around the Karabakh region of Azerbaijan in 2023, a significant part of the Commissioner's country work was devoted to ensuring the protection of human rights in conflict situations. The situation of Ukrainian children transferred to Russia or to Russian-occupied territories of Ukraine and the human right of Crimean Tatars in Russian-occupied Crimea were thus the subject of the Commissioner's visit to Ukraine in March and its subsequent follow-up, while the October visit to Armenia and Azerbaijan, including the Karabakh region, focused on the human rights protection of all persons affected by the conflict. Other recurrent issues covered in the Commissioner's country work in 2023 included the human rights of refugees, asylum seekers and migrants; women's rights and gender equality; the human rights of persons with disabilities, and of LGBTI people and Roma; children's rights; freedom of expression and media freedom; freedom of assembly and association; transitional justice; social rights; and environment and human rights. Reports and other documents published by the Commissioner after her visits contain an analysis of the selected issues and recommendations to member states about possible avenues for improvement. In certain cases, as part of her dialogue with national authorities, the Commissioner addresses letters to them to outline concerns and provide advice on specific issues. All these documents, along with the replies from the authorities, are published on the Commissioner's website and are widely circulated among policymakers, NGOs and the media. The Commissioner also furthers her dialogue on these issues through meetings with the national authorities outside the framework of country visits.

The present chapter contains a brief summary of this work.

#### 1.1 Visits, missions and reports

##### *Visit and report on the Czech Republic*

From 20 to 24 February 2023, the Commissioner carried out a [visit](#) to the Czech Republic. The [report](#) following the visit was published on 26 September. It mainly addresses the human rights of Roma and of persons with disabilities, but also briefly covers the overall framework for human rights protection, measures to combat violence against women, and the situation of LGBTI people. During the visit, the Commissioner met with Karel Dvořák, Deputy Minister of Justice; Zuzana Freitas Lopesová, Deputy Minister of Labour and Social Affairs; Jakub Dvořáček and Josef Pavlovic, Deputy Ministers of Health; Klára Šimáčková Laurenčíková, Government Commissioner for Human Rights; Lucie Fuková, Government Commissioner for Roma Minority Issues; as well as representatives of the Ministry of Foreign Affairs, the Ministry of Education, Youth and Sports, and the Ministry of Interior. In addition, she met with the Public Defender of Rights and the Deputy Public Defender of Rights, as well as representatives of civil society.

As regards Roma, the Commissioner found that the establishment of a compensation mechanism for persons subjected to forced sterilisation was crucial in providing victims with a measure of long-awaited justice, but that its implementation required change to be effective. To effectively tackle the persisting discrimination of Roma children in education, the Commissioner stressed the need for a paradigm shift away from exclusionary testing practices, as well as the development of a comprehensive desegregation strategy, better promotion of existing good practices, and ensuring continued adequate individualised support in mainstream education. The Commissioner also called for further efforts to address discrimination of Roma in housing, the labour market, and their interaction with the police, and for equal access to protection and support for Ukrainian Roma to be ensured.

As regards people with disabilities, the Commissioner highlighted that concerted action was needed to replace institutional social and health care services with community-based ones. She also urged a halt to investment in the construction and refurbishment of institutions, the adoption of a deinstitutionalisation agenda, and the provision of adequate financial means to enable people with disabilities to live independently. The Commissioner called for a systemic change towards the provision of health care on the basis of free and informed consent, for effective access to justice in all cases related to involuntary placement in institutions or involuntary treatment, and for safeguards

concerning the right of persons with disabilities to enjoy legal capacity on an equal basis with others. She stressed that combating ill-treatment of persons with disabilities in institutions should be given the utmost priority.

In relation to other issues, the Commissioner noted that the system of human rights protection in the Czech Republic could be further strengthened by designating a National Human Rights Institution and a Children's Ombudsman. She called for the Istanbul Convention to be ratified and a definition of rape entirely based on the absence of free consent to be adopted. She stressed that the current procedure for legal gender recognition needed reform and expressed support for the introduction of equal marriage for all.

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

### ***Visit to Ukraine***

From 26 February to 1 March, the Commissioner carried out her second [visit](#) to Ukraine since Russia's full-scale invasion of the country. The visit focused on the human rights of children who have been separated from their families or legal guardians and transferred to Russia or to Ukraine's territories temporarily occupied by Russia. It also dealt with the human rights situation of the Crimean Tatars, with a view to issuing a report on this issue (see below).

In a [statement](#) issued after the visit, on 6 March, the Commissioner condemned Russia's failure to return Ukrainian children separated from their families and legal guardians as a serious violation of their human rights. She reviewed the situation of several categories of affected children, including unaccompanied children, orphans, and children in care institutions. She noted that children have often been placed in foster care in Russia, without sufficient efforts having been made to establish contact with their relatives or legal guardians. Moreover, in what appeared to be a deliberate exploitation of the children's vulnerability, some Ukrainian children have been given Russian citizenship and have been adopted by Russian families. Noting that this practice appeared to be supported by Russian public officials at the highest level, the Commissioner stressed that children separated from their parents during a humanitarian emergency can never be considered orphans and are therefore not available for adoption.

The Commissioner noted that the reunification of Ukrainian children with their families or legal guardians back in Ukraine or in other countries was a very complex endeavour which was rendered particularly difficult by the lack of a special mechanism to that end. Noting that precise data on the identity and whereabouts of the children and their relatives was not available in all cases, she called for unimpeded access to records and information about all affected children, and the establishing and supporting of concrete mechanisms and solutions for reuniting the children with their families and legal guardians. She further called for more clarity regarding the entities and procedures through which parents, relatives, legal guardians, and children could seek assistance in family reunification. The Commissioner called on the international community to support reliable organisations and networks of Ukrainian and Russian human rights defenders and civil society actors involved in facilitating the family reunification work, and to assist Ukraine in pursuing a comprehensive deinstitutionalisation reform with a view to creating a nurturing environment in which children are raised in families. Noting the importance of ensuring justice for all victims of violations of the rights of the child, the Commissioner commended the efforts taken to that end by the Ukrainian investigative authorities.

### ***Report on the human rights situation of Crimean Tatars***

On 18 April, the Commissioner published a [report](#) on the human rights situation of Crimean Tatars in Ukraine's Autonomous Republic of Crimea and the city of Sevastopol, illegally annexed by the Russian Federation ('Crimea'). Intended to increase public awareness of the plight of the Crimean Tatar people throughout their history, the report put an emphasis on the situation following the occupation and illegal annexation of Crimea in 2014 by the Russian Federation and Russia's full-scale invasion of Ukraine in February 2022. It focused on numerous patterns of serious violations of human rights, persecution, discrimination, and stigmatisation affecting Crimean Tatar people in Russian-occupied Crimea. These included, among other things, arbitrary arrests, detention, harassment, and searches of homes of Crimean Tatar human rights defenders, activists, leaders, lawyers, journalists, and ordinary Crimean Tatars; criminal prosecutions based on the misuse of Russian anti-extremism and counter terrorism laws; and the illegal transfers of detainees from Crimea to Russia. The Commissioner called for an end to such practices,

urging the humane treatment of all those detained and safe and unhindered access of international human rights monitoring mechanisms and humanitarian organisations to all detainees. The report further stressed Crimean Tatar people's freedom of religion, expression, and assembly, and their right to receive education in the Crimean Tatar language. It denounced the illegal forced conscription and mobilisation by Russia of Crimean Tatars in Crimea and stressed that Crimean Tatars who tried to evade such illegal enlistment should be afforded adequate humanitarian and legal care and assistance in all countries where they may seek refuge. The Commissioner further stressed the need for accountability for all cases of enforced disappearance since the illegal annexation of Crimea in 2014. The report concluded with the Commissioner's call for Crimean Tatar people to be provided with all necessary support to preserve and maintain their unique identity and to enable the long-overdue full realisation of their human rights.

The report is available on the Commissioner's website.

### ***Visit and report on Serbia***

The Commissioner carried out a visit to [Serbia](#) from 13 to 17 March focused on transitional justice and dealing with the past, freedom of expression and assembly and women's rights and gender equality. She met with the Prime Minister Ana Brnabić; the First Deputy Minister of Foreign Affairs Ivica Dačić; the Minister of Justice Maja Popović; the Minister for Human and Minority Rights and Social Dialogue Tomislav Žigmanov; the Minister of Culture and Chair of the Coordination Body for Gender Equality Maja Gojković. In addition, the Commissioner met with the Ombudsman Zoran Pašalić, the Commissioner for the Protection of Equality Brankica Janković and the Commissioner for Information of Public Importance and Personal Data Protection Milan Marinović, as well as representatives of civil society organisations and media associations. The Commissioner visited the premises of the NGO 'Women in Black' (Žene u Crnom) and paid her respects at the memorial of the murdered journalist Slavko Ćuruvija. She also delivered a speech at the conference on the causes for non-reporting of domestic violence by women, organised by the Commissioner for the Protection of Equality.

On 28 September, the Commissioner published the [report](#) following this visit where she called on the authorities to step up the prosecution of wartime crimes and address the persistent shortcomings in the witness protection system and reparations for the victims. She also called on the authorities to counter the widespread public glorification of war criminals, denial and relativisation of war crimes and genocide; to adopt an inclusive approach to memorialisation of the past and history teaching; and to take all necessary steps to enable effective and continuing search for missing persons, including by opening its military archives and enhancing the regional cooperation.

Concerning freedom of expression and assembly, the Commissioner called on the authorities to foster a safe and enabling environment for the work of journalists, civil society organisations and human rights defenders, including by countering the widespread use of strategic lawsuits against public participation (SLAPPs) and bringing Serbia's legislative framework and practice on freedom of assembly fully in line with relevant international human rights standards.

As regards women's rights, the Commissioner, *inter alia*, called on the authorities to facilitate advancement of gender equality, particularly in employment and social policy; to combat persisting discriminatory gender stereotypes; to step up the prevention of all forms of violence, including digital violence; and to provide all victims with adequate protection and support services.

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

### ***Report on Spain***

Following a visit to Spain carried out in 2022 (21 to 25 November), on 10 May, the Commissioner published her [report](#) with recommendations on social rights, in particular the right to housing and the right to health, the freedoms of expression and assembly and the human rights of refugees, asylum seekers and migrants.

Noting persisting inequalities in realising social rights depending on place of residence, the Commissioner called on the authorities to allocate resources transparently and sustainably and adopt common standards, in close co-

operation with all competent authorities at central and local levels and in consultation with civil society, to ensure that the specific needs of the most vulnerable are met. She stressed the centrality of the right to housing to the full enjoyment of most other rights. The Commissioner also urged the authorities to strengthen universal access to quality public healthcare for all throughout Spain. She called on authorities to engage with the families of the victims who died in care homes during the COVID-19 crisis and civil society organisations and ensure that their right to effective justice is safeguarded, while preventing any such occurrences in the future. She also welcomed important steps taken to uphold women's and girls' sexual and reproductive health and rights and called on the government to ensure that these are not undermined by persistent inequalities in access between regions.

As regards freedom of expression and assembly, the Commissioner reiterated that the 2015 Law on Citizens' Safety should be brought fully in line with European and international human rights standards. Welcoming the repeal of the crime of sedition from the Criminal Code, she considered, however, that comprehensive changes were still needed to strengthen existing safeguards around the rights to freedom of expression and assembly. She also called on the authorities to strengthen the overall accountability and oversight of law enforcement.

The Commissioner deplored that access to protection for refugees, asylum seekers and migrants varied significantly throughout the country and remained very challenging for many. The Commissioner concluded that there is no genuine and effective access to asylum at the border between Nador, in Morocco, and Melilla and urged the authorities to address the situation comprehensively to make sure that those in need of protection can access the territory through legal and safe means. She also highlighted that Spain should not directly or indirectly contribute to human rights violations through measures taken to implement migration co-operation with third countries and underscored the urgent need for Council of Europe member states to improve responsibility-sharing and solidarity measures between them.

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

### ***Visit and report on Denmark***

The Commissioner [visited](#) Denmark from 30 May to 2 June. The visit focused on the rights of refugees, asylum seekers and migrants, as well as the rights of persons with disabilities. During the visit, the Commissioner met with the Minister for Justice, Peter Hummelgaard; the Minister for Immigration and Integration, Kaare Dybvad Bek; representatives of the Ministry for Foreign Affairs, Ministry for the Interior and Health, and Ministry for Social Affairs, Housing and Senior Citizens. She also held meetings with the Parliamentary Ombudsman, the Danish Institute for Human Rights (DIHR), the Danish Disability Council (DCH) and National Integration Council (DNIR), as well as with human rights defenders and other representatives of civil society. In the framework of the visit, she visited Avnstrup Return Centre, the House of Disability Organisations (Handicaporganisationernes Hus) and Sofiebo Residential Unit for children with autism.

On 16 November, the Commissioner published the [report](#) following her visit. Noting the human rights risks presented by a paradigm shift in Danish refugee policy towards temporary protection and return, the Commissioner called on the authorities to refocus on providing greater certainty and security to refugees and other protection holders. She further called on the authorities to abandon plans to externalise aspects of the asylum process to a third country. The use of return centres could be reconsidered, while alternative measures to administrative immigration detention should be prioritised and strict prison-like regimes should be avoided in that context. Further steps could also be taken to facilitate family reunification for protection holders. The Commissioner underlined issues faced by stateless persons and around access to citizenship for children and young people who were born or grew up in Denmark.

Regarding the human rights of persons with disabilities, the Commissioner called on the authorities to foster a structural approach to improving the situation, particularly through introducing a general legal obligation for reasonable accommodation, and a comprehensive national action plan. She emphasised the need to address challenges such as exposure to violence and abuse in residential institutions. While noting progress regarding legal capacity and the right to vote, the Commissioner called for increased focus on supported decision-making. Despite efforts being made by the authorities, there was need for a drastic reduction in the use of all forms of coercion, and the end of recourse to any coercive measure that might amount to ill-treatment.



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

### ***Visit and report on Italy***

The Commissioner [visited](#) Italy from 19 to 23 June. The visit focused on the human rights of refugees, asylum seekers and migrants and on women's rights and gender equality. The Commissioner also followed up on some issues related to freedom of expression, the safety of journalists and other current issues. During the visit, the Commissioner met with the Minister of Interior, Matteo Piantedosi; the Diplomatic Advisor of the President of the Council of Ministers, Ambassador Francesco Maria Talò; the Secretary General of the Ministry of Health, Giovanni Leonardi; the Head of the Coordination Centre for monitoring, analysis and exchange of information on intimidation of journalists, Prefect Vittorio Rizzi; the Director of the National Office against Racial Discrimination (UNAR), Mattia Peradotto; and the Mayor of Lampedusa, Filippo Mannino. She also carried out a field visit in the hotspot of Lampedusa and visited the Casa Internazionale delle Donne, where she had an exchange of views with women's rights organisations. In the context of the visit, the Commissioner also met online with the Minister for Family, Birth Rates and Equal Opportunities of Italy, Eugenia Roccella on 21 July.

On 14 December, the Commissioner published the [report](#) following her visit to Italy. In the report, she stressed the need for European-wide action to end the loss of life in the Mediterranean. She reiterated her call to suspend co-operation with the Libyan government on interceptions at sea and to make any future co-operation activity with third countries in the field of migration conditional on comprehensive human rights safeguards. In addition, she urged the Italian authorities to repeal policies and end practices which hinder and criminalise NGOs' life-saving activities at sea. She also warned of the lack of adequate human rights safeguards in the Memorandum of Understanding concluded with Albania and recommended that the Italian authorities prioritise improving the domestic asylum and reception systems.

As regards women's rights and gender equality, the Commissioner noted a marked contrast between the legal framework and the inequalities, discrimination and violence faced by women and girls. To close this gap, she recommended that the authorities reduce regional disparities, combat sexism and gender stereotypes and improve support services for victims of gender-based violence. She stressed the need to address women's disadvantaged position in employment, urged the authorities to ensure women's and girls' unhindered access to sexual and reproductive health services, including abortion care and contraception, encouraged amendments to criminal law to base sexual violence offences, including rape, on the notion of freely given consent, and called for increased efforts to prevent gender-based violence and secondary victimisation and for stronger institutional co-operation with women's rights NGOs.

Finally, the Commissioner recommended the decriminalisation of defamation, the establishment of a national human rights institution and the broadening of anti-discrimination laws to cover the rights of LGBTI people.

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

### ***Mission to Georgia***

From 30 June to 3 July, the Commissioner carried out a mission to Georgia. She held meetings with the President of Georgia, Salome Zourabichvili; the Prime Minister, Irakli Garibashvili; the Chairman of the Parliament, Shalva Papuashvili; and the First Deputy Minister of Foreign Affairs, Lasha Darsalia; as well as the Public Defender, Levan Ioseliani, and civil society representatives. Her discussions focussed on issues pertaining to freedom of expression and assembly of the LGBTI people; the need to bring those who organise acts of violence and incite hatred against them and other affected communities to account; and the need to foster co-operation with and an enabling environment for the work of civil society organisations and the media.

The Commissioner also took part in one of the panel discussions at the Second Annual Tbilisi Women's International Conference, organised by the President of Georgia; attended the opening event of the Tbilisi Pride Week 2023; met with internally displaced persons in the village of Tserovani; and visited the administrative boundary line in Odzisi village.

### ***Visit to Armenia and Azerbaijan, including the Karabakh region***

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

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

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

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

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

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

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

### ***Visit to Germany***

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

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

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

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

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

The Commissioner's report following the visit is forthcoming.

### ***Mission to Romania***

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

The mission focused on the human rights of persons in psychiatric hospitals and in residential care institutions for persons with disabilities, on developments in the field of legal capacity, and on the reform of the social care system

in Romania. Information was also provided with respect to recent issues concerning the rights of older persons, notably the situation of those in long-term care.

During the mission, the delegation met with Carmen Orban, State Adviser within the Chancellery of the Prime Minister and with representatives of the Ministry of Labour and Social Solidarity, of the National Authority for the Protection of the Rights of Persons with Disabilities, of the Ministry of Health, of the Ministry of Justice, of the Office of the Prosecutor General attached to the High Court of Cassation and Justice and of the Superior Council of Magistrates. The delegation also met with Cynthia Carmen Deaconescu, Deputy Ombuds in respect of the domains of family, youth, retired persons and persons with disabilities and with representatives of the National Preventive Mechanism (NPM) within the Office of the Ombudsman, with Emanuel-Gabriel Botnariu, President of the Council for Monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities, and with representatives of civil society.

## 1.2 Continuous dialogue

### ***Letter to the Minister of Interior of Italy on NGO search and rescue operations at sea***

On 2 February, the Commissioner published her [letter](#) to the Minister of the Interior of Italy, Matteo Piantedosi, calling on the government to consider withdrawing or revising the Decree Law No. 1/2023 the provisions of which could hamper NGO search and rescue operations and be at variance with Italy's human rights obligations. She also noted that NGO vessels have been assigned distant ports to disembark persons rescued at sea and that this practice, paired with the Decree's provisions, risked depriving people in distress of life-saving assistance. In addition, the Commissioner reiterated her call on the Italian authorities to suspend co-operation with the Libyan government on interceptions at sea. Finally, she requested further information about allegations of returns of persons from Italy to Greece on private ships. She recalled that carrying out individual assessments of the protection needs of each person arriving at the border remained a crucial safeguard against refoulement.

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

### ***Letter to the Minister for the Interior of Latvia regarding pushbacks***

On 6 February, the Commissioner published a [letter](#) to the Minister for the Interior of Latvia, Māris Kučinskis expressing her concern about the continuation of pushbacks at the Latvian-Belarusian border which had led to severe injuries and death in some cases. In addition, a criminal investigation had been initiated against two members of an NGO who went to the border area to save lives. The Commissioner stressed the key role of human rights defenders and the duty of states to create an enabling environment for them, reiterating that all border control had to be exercised in full compliance with the ECHR and the absolute prohibition of refoulement, including in challenging circumstances. She also underlined that the lasting state of emergency in the border region since August 2021 remained an obstacle to Latvia meeting its human rights obligations with respect to international protection needs.

The Commissioner's letter is available on her website, along with the reply from the Minister for the Interior.

### ***Letter to the Chairman of the Parliament of Georgia regarding the draft law "On transparency of foreign influence"***

On 28 February, the Commissioner published a [letter](#) addressed to the Chairman of the Georgian Parliament, Shalva Papuashvili, expressing concern about the possible adoption of a draft law "On transparency of foreign influence," which raised a number of concerns in light of the Council of Europe standards on freedom of association and of expression. She underlined that while transparency may be a legitimate concern, it should not be achieved to the detriment of the effective enjoyment of rights and freedoms by civil society organisations and media outlets and of the exercise of their legitimate activities. She urged the members of the Parliament to reject the draft law and to commit to fostering a diverse and vibrant civil participation in public affairs and a conducive environment for the functioning of civil society organisations and human rights defenders in Georgia.

The Commissioner's letter is available on her website, along with the reply from the Chairman of the Parliament.

***Letter to the Parliament of the United Kingdom regarding the 'Illegal Migration Bill'***

On 27 March 2023, the Commissioner published her [letter](#) to the Speaker of the House of Commons, Rt Hon Sir Lindsay Hoyle, and the Lord Speaker of the House of Lords, Rt Hon the Lord McFall of Alcluith, on the 'Illegal Migration Bill'. The Commissioner warned that the Bill created clear and direct tension with well-established and fundamental human rights safeguards. By preventing people who arrive irregularly in the United Kingdom from having their asylum claims assessed, it would strip away one of the essential building blocks of the protection system. This would add to the significant regression in the protection of refugees, asylum seekers and migrants that the Commissioner signalled in her December 2022 [report](#). Other issues addressed included the Bill's lack of guarantees that objections to removals would be assessed in compliance with the ECHR, its impact on victims of trafficking, the widespread powers of detention including of children, and the strict limits on judicial challenges.

The Commissioner's letter is available on her website.

***Letter to the National Council of the Slovak Republic on the situation of LGBTI people***

On 25 April, the Commissioner published her [letter](#) to Boris Kollár, Speaker of the National Council of the Slovak Republic, Milan Vetrák, Chairperson of the Constitutional and Legal Affairs Committee and Jozef Lukáč, Chairperson of the Public Administration and Regional Development Committee of the National Council, on the situation of LGBTI people in the country. The Commissioner called on parliamentarians to reject a bill that would prevent trans people from having their gender identity legally recognised, which would put the Slovak Republic in conflict with the ECHR. She expressed concern that recent steps to end the practice of requiring sterilisation for legal gender recognition might be rolled back. She highlighted the lack of a legal framework allowing same-sex couples to be granted adequate recognition and protection of their relationships and called on parliamentarians to refrain from promoting anti-LGBTI narratives.

The letter is available on the Commissioner's website.

***Letter to the Prime Minister of Ireland, the Minister for Children, Equality, Disability, Integration and Youth and the Minister for Housing, Local Government and Heritage***

In a [letter](#) addressed to the Prime Minister of Ireland, Leo Varadkar, the Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman, and the Minister for Housing, Local Government and Heritage, Darragh O'Brien, published on 26 May, the Commissioner raised concerns about the challenges faced by international protection applicants with respect to adequate reception and accommodation in Ireland. Due to a severe lack of available accommodation following the reception of unprecedented numbers of people fleeing Ukraine, over 900 international protection applicants had been left in a situation of street homelessness and families with children were often housed for extended periods in inadequate transit conditions. The Commissioner called on the authorities to comprehensively address the structural shortcomings of the international protection system and develop a sustainable whole-of-government approach towards the reception crisis.

The letter is available on the Commissioner's website, along with the reply from the Prime Minister of Ireland.

***Letter to the National Council of the Slovak Republic on a compensation mechanism for victims of forced sterilisation***

On 12 June, the Commissioner published her [letter](#) to Boris Kollár, Speaker of the National Council of the Slovak Republic, Marek Krajčí, Chair of the Healthcare Committee of the National Council, Milan Vetrák, Chairperson of the Constitutional and Legal Affairs Committee, and Peter Pollák, Vice-Chair of the Committee on Human Rights and National Minorities of the National Council, on a law proposal for a compensation mechanism for victims of forced sterilisation. The discussions on the proposed law offered a historic opportunity to address this long-standing injustice. However, any mechanism should effectively meet the needs of victims. To this end, the Commissioner

noted that the proposed amount of compensation fell significantly short of that awarded by the European Court of Human Rights and Slovak courts, that rules on evidence should avoid an over-reliance on medical records, and the need for sufficient expertise and capacity to assess compensation claims.

The letter is available on the Commissioner's website.

***Letter to the city authorities of Prijedor, Bosnia and Herzegovina, on building a memorial for the killed children – victims of war crimes***

On 6 July, the Commissioner published a [letter](#) addressed to the Mayor of Prijedor, Slobodan Javor, and to the President and Vice-President of the City Assembly of Prijedor, respectively Igor Knežević and Azra Pašalić, urging them to engage in discussions with the parents of the killed children and activists on implementing their initiative to build a memorial in the city centre dedicated to 102 children - victims of war crimes committed in Prijedor between 1992 and 1995. The Commissioner emphasised that the rights of all citizens should be upheld equally without discrimination, especially with regard to memorialisation of their suffering, and that remembering the wrongs of the past in a non-biased and inclusive way helps to build a peaceful and diverse society unburdened by prejudice and ethnic hatred.

The letter is available on the Commissioner's website.

***Letter to the Parliament of North Macedonia concerning legal gender recognition for transgender (trans) people***

On 7 July, the Commissioner published a [letter](#) addressed to Talat Xhaferi, Speaker of the Parliament of North Macedonia; Sonja Mirakovska, Chairperson of the Committee on the Political System and Inter-ethnic Relationships; Snezana Kaeska-Vancheva, Chairperson of the Legislative Committee; and Maja Morachanin, Parliamentary Rapporteur for the law proposal (no. 08-3221/1) of the Parliament of North Macedonia. In her letter, the Commissioner considered that adopting the pending amendments to the Law on Civil Registry would represent a crucial step in the execution of the judgment of the European Court of Human Rights in the case of [X v. "the former Yugoslav Republic of Macedonia"](#) and in the provision of quick, transparent and accessible procedures in national law for legal gender recognition for trans people. She emphasised that access to legal gender recognition is crucial to prevent discrimination and violence against trans people.

The letter is available on the Commissioner's website.

***Letter to the Minister of Internal Affairs of Azerbaijan concerning policing of environmental protests***

On 24 July, the Commissioner published a [letter](#) addressed to the Minister of Internal Affairs of Azerbaijan, Vilayat Eyvazov, concerning the policing of environmental protests in the Soyudlu village and restrictions imposed on the work of civil society in that context. In particular, she expressed concern about the arrests and the disproportionate use of force against peaceful protesters. The Commissioner stressed the importance of ensuring law enforcement accountability for human rights violations and requested clarifications regarding the legal basis and justification for dispersing these protests. She also expressed concern that the restrictions imposed to enter and leave the village had affected the ability of journalists and human rights defenders to report publicly about the situation of residents and to provide assistance. Lastly, she emphasised that environmental organisations and concerned persons should be given effective opportunities to participate in decision-making on laws and policies that may have an environmental impact.

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

***Letter to the Prime Minister of Greece on the legal obligation to conduct effective investigations into the Pylos shipwreck***

On 28 July, the Commissioner published her [letter](#) to the Prime Minister of Greece, underlining Greece's legal obligation to conduct effective investigations into the Pylos shipwreck to establish the facts and, where appropriate,



punish those responsible. She also sought information on efforts made to ensure that the remains of deceased migrants are located, identified, and buried and on measures taken by Greece to provide the survivors with adequate reception conditions and ensure access to the asylum procedure. Stressing that this shipwreck was not an isolated incident, the Commissioner called for a reconsideration of the approach to refugees and migrants arriving by sea at the political, policy and practical level and urged the Prime Minister to ensure that Greece abides by its international obligations regarding search and rescue, both under maritime and human rights law.

The letter is available on the Commissioner's website, along with the reply from the Minister of Migration and Asylum.

***Letter to the National Assembly of Republika Srpska, Bosnia and Herzegovina, on draft legislation restricting the rights of NGOs***

On 21 September, the Commissioner published a [letter](#) addressed to the President of the National Assembly of Republika Srpska, Nenad Stevandić, calling on parliamentarians to refrain from adopting the Draft Law on Special Registry and Transparency of the Work of Non-Profit Organisations, and to foster a safe and enabling environment for NGOs and human rights defenders. The Commissioner stressed that the Draft Law, which established a separate legal regime for NGOs that receive any form of foreign funding or other assistance of foreign origin, raised several human rights concerns, as also noted in the [joint opinion](#) of the Venice Commission and the OSCE/ODIHR on the Draft Law from June 2023.

The letter is available on the Commissioner's website, along with the reply from the President of the National Assembly of Republika Srpska.

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

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

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

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

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

The letter is available on the Commissioner's website, along with the replies from the Finnish authorities.

### 1.3 Meetings with authorities

#### ***Meeting with the Deputy Prime Minister, Lord Chancellor, and Secretary of State for Justice of the United Kingdom***

On 12 January, the Commissioner met with Dominic Raab MP, the then Deputy Prime Minister of the United Kingdom. They discussed ongoing developments in relation to the war in Ukraine and efforts to ensure accountability. They also followed up on their discussion during the Commissioner's [June 2022 visit](#) to the UK, and the observations in her subsequent [report](#), about the Bill of Rights Bill, including in the context of the UK's policies to address irregular crossings of the Channel in small boats.

#### ***Meeting with the Federal Minister of Foreign Affairs of Germany***

On 24 January, the Commissioner [met](#) with Annalena Baerbock, Federal Minister of Foreign Affairs of Germany. The discussion covered the serious human rights violations occurring in the context of the war in Ukraine, women's rights and respect for human rights in the context of migration.

#### ***Meeting with a delegation of the Ministry of Justice of Finland***

On 24 January, the Commissioner met with Johanna Suurpää, Director General of the Department for Democracy and Public Law, from the Ministry of Justice of Finland and her delegation. They discussed a range of human rights issues, including issues relating to the strengthening of human rights structures and to the judiciary in Finland.

#### ***Meeting with the President of the Senate of the Netherlands***

On 26 January, the Commissioner met with Jan Anthonie Bruijn, President of the Senate of the Netherlands. They exchanged on the Commissioner's work and mandate, wider developments in the Council of Europe, and several issues related to the Netherlands, including asylum and migration in view of the Commissioner's [letter](#) of last year.

#### ***Meeting with the Deputy Minister of Foreign Affairs of Ukraine***

On 8 February, the Commissioner met on-line with Deputy Minister of Foreign Affairs Emine Dzhapparova, to discuss the human rights situation of Crimean Tatars with a view to the preparation by the Commissioner of a [report](#) on this topic.

#### ***Meeting with the Attorney General of the United Kingdom***

On 16 February, the Commissioner met with Victoria Prentis KC MP, Attorney General of the United Kingdom. They discussed the war in Ukraine and efforts to ensure accountability; issues related to refugees fleeing Ukraine; as well as the UK's asylum and migration policy, including in view of the Commissioner's observations in her December 2022 [report](#) following her country visit.

#### ***Meeting with the Assistant to the First Vice-President of Azerbaijan on Foreign Affairs***

On 22 March, the Commissioner met in Strasbourg with Elchin Amirbayev, Assistant to the First Vice-President of Azerbaijan on Foreign Affairs, to discuss a number of issues related to the situation around the Karabakh region, including along the Lachin Corridor and the human rights situation of local residents. The Commissioner reiterated her willingness to travel to the region to assess the human rights situation and the crucial importance of ensuring free and unhindered access to international human rights missions to all areas and people, including those residing in the Karabakh region.

#### ***Meeting with the Deputy Prime Minister for the Management of European Union Funds of Bulgaria***

On 19 April, the Commissioner met in Strasbourg with the Deputy Prime Minister for the Management of European Union Funds of Bulgaria, Atanas Pekanov. The discussions focused on legislative work ongoing in Bulgaria to address



rule of law issues and to improve the protection of whistle-blowers, journalists and victims of domestic violence and on gender equality measures in the country.

***Meeting with the President of Iceland***

On 26 April, the Commissioner met with Guðni Thorlacius Jóhannesson, President of Iceland. The discussion covered issues related to nationalism, the serious human rights violations occurring in the context of Russia's war against Ukraine and accountability for these, women's rights and gender-based violence.

***Meeting with a delegation of the Ministry of Foreign Affairs of Finland***

On 26 April, the Commissioner met with a delegation from the Finnish Ministry for Foreign Affairs. They discussed, among other things, the human rights impact of Russia's aggression against Ukraine, including the Commissioner's recent work on Crimean Tatars and on Ukrainian children. They also exchanged on other aspects of the Commissioner's work and on human rights challenges in Finland.

***Meeting with the Minister of State for Europe and Climate of Germany***

On 2 May, in the margins of the UNESCO World Press Freedom Day conference, the Commissioner met with Germany's Minister of State for Europe and Climate, Anna Lührmann. Discussions focused on the 4th Summit of the Council of Europe and the need to recommit to media freedom standards.

***Meeting with the Deputy Minister of Foreign Affairs of the Netherlands***

On 10 May, the Commissioner met with Anita van den Ende, Deputy Minister of Foreign Affairs of the Netherlands in Strasbourg. They discussed the Commissioner's activities, the 4th Summit of the Council of Europe, Russia's war against Ukraine, and developments in the Netherlands.

***Meeting with the President of Slovenia***

On 16 May, during the 4<sup>th</sup> Summit of the Council of Europe, the Commissioner had an exchange with the President of Slovenia, Nataša Pirc Musar, on several issues, including the need to regulate artificial intelligence, the impact of environmental degradation on human rights, accountability for international crimes in Ukraine and the human rights situation in the Western Balkans.

***Meeting with the Minister of Foreign Affairs of Armenia***

During the 4<sup>th</sup> Summit of the Council of Europe, the Commissioner had an exchange with the Minister of Foreign Affairs of Armenia, Ararat Mirzoyan, discussing the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over the Karabakh region.

***Meeting with the Secretary of State of Holy See***

During the 4<sup>th</sup> Summit of the Council of Europe, the Commissioner also had an exchange with the Secretary of State of Holy See, H.E. Cardinal Parolin on several issues, including the impact of the war in Ukraine on human rights and in particular on children's rights.

***Meeting with the Minister for Home Affairs and Minister of Equality between Women and Men of Luxembourg***

On 24 May, the Commissioner met in Strasbourg with the Minister for Home Affairs and Minister of Equality between Women and Men of Luxembourg, Taina Bofferding. They discussed issues related to women's rights and gender equality, paying particular attention to the impact of COVID-19 and Russia's war against Ukraine in deepening existing inequalities. They also focused on the importance of ratifying and adequately implementing the Istanbul Convention to prevent and combat violence against women and domestic violence.

***Meeting with the Minister of Justice of Armenia***

On 12 June, the Commissioner's Office met in Strasbourg with the Minister of Justice of Armenia, Grigor Minasyan. The meeting focused on several developments of human rights significance in Armenia, including in the field of anti-discrimination legislation.

***Meeting with the Minister Delegate to the Minister of Health of France***

On 10 July, the Commissioner met with Agnès Firmin-Le Bodo, Minister with responsibility for Territorial Organisation and the Health Professions, attached to the Minister for Health and Prevention of France. The discussions focused on issues pertaining to bioethics; the protection of human rights of various groups, including intersex and trans people; women's sexual and reproductive health and rights; and equal access to health care services in France.

***Meeting with the German Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance***

On 12 July, the Commissioner held an online exchange with the German Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, Luise Amtsberg. The discussion focused on developments in relation to the protection of refugees, asylum seekers and migrants in Europe.

***Meeting with the Minister of Justice of Slovenia***

On 28 August, in the margins of the Bled Strategic Forum 2023 in Slovenia, the Commissioner met with the Minister of Justice of Slovenia, Dominika Švarc Pipan. They exchanged on issues relating to national human rights structures, the Slovenian authorities' efforts to enhance equality and participation of children in the administration of justice and the steps taken by the authorities to repair excessive limitation of freedom of assembly in the past.

***Meeting with the State Secretary for Political Multilateral Affairs, Economic Diplomacy and Development Cooperation of Slovenia***

On 28 August, in the margins of the Bled Strategic Forum, the Commissioner met with the State Secretary for political multilateral affairs, economic diplomacy and development cooperation of Slovenia, Samuel Žbogar. The discussion focused on relevant developments in the Western Balkans and the situation in Ukraine.

***Meeting with the Chairwoman of the Council of Ministers of Bosnia and Herzegovina***

On 28 August, in the margins of the Bled Strategic Forum, the Commissioner [met](#) with the Chairwoman of the Council of Ministers of Bosnia and Herzegovina, Borjana Krišto. They exchanged views on the importance of addressing the legacy of the violent past to build cohesive and just society and the execution of the *Sejdić and Finci* group of judgments of the European Court of Human Rights. The discussion also focused on the need for effective policies to prevent and combat violence against women.

***Meeting with Lord Ahmad of Wimbledon, Minister of State for the Middle East, North Africa, South Asia and United Nations at the Foreign, Commonwealth and Development Office of the United Kingdom***

On 28 August, in the margins of the Bled Strategic Forum, the Commissioner met with Lord Ahmad of Wimbledon. They exchanged views on the human rights situation in the UK, focusing in particular on the situation of asylum seekers, the developments in the Mediterranean and on the channel, and the UK Rwanda scheme.

### ***Meeting with the Minister of Foreign Affairs of Armenia***

On 29 August, in the margins of the Bled Strategic Forum, the Commissioner met with Ararat Mirzoyan, Minister of Foreign Affairs of Armenia. The discussion focused on the humanitarian situation in the Lachin Corridor, regarding which the Commissioner had been issuing a [statement](#) on the same day.

### ***Meeting with the Deputy Prime Minister and Minister of Foreign Affairs of Bulgaria***

On 29 August, in the margins of the Bled Strategic Forum, the Commissioner met with Mariya Gabriel, Deputy Prime Minister and Minister of Foreign Affairs of Bulgaria. They discussed the situation of refugees and migrants in Europe and the human rights of persons belonging to the Bulgarian minority in North Macedonia.

### ***Meeting with the High Representative for Bosnia and Herzegovina***

On 29 August, in the margins of the Bled Strategic Forum, the Commissioner met with the High Representative for Bosnia and Herzegovina, Christian Schmidt. They exchanged on the situation in Bosnia and Herzegovina, touching in particular on the rights of persons with disabilities, violence against women, independence of the judiciary and transitional justice issues.

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

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

### ***Meeting with the Prime Minister of Montenegro***

On 14 December, the Commissioner [met](#) in Strasbourg with the Prime Minister of Montenegro, Milojko Spajić. They discussed a number of issues of common interest, including the need to revive efforts to deal with the past in the region of the former Yugoslavia.

## **2 THEMATIC ACTIVITIES**

### **Introduction**

In 2023, the Commissioner covered a wide range of human rights themes. Particular attention was paid to the impact of the war in Ukraine on human rights; the situation in and around the Karabakh region; the human rights of refugees, asylum seekers and immigrants; freedom of expression, media freedom and the safety of journalists and freedom of peaceful assembly; women's rights and gender equality; the human rights of LGBTI people; artificial intelligence and human rights; and transitional justice, especially in the former Yugoslavia. The Commissioner continued to highlight children's rights; the human rights of people with disabilities, of Roma and Travellers and of older persons; and combating racism and intolerance. Social rights, environmental protection and human rights, data protection and human rights education were also among the topics covered.

#### **2.1 Impact of the war in Ukraine on human rights**

Responding to the human rights consequences of the armed aggression by the Russian Federation against Ukraine remained at the top of the Commissioner's priorities in 2023. In addition to another visit to the country and a thematic report, the Commissioner's engagement throughout the year included direct exchanges with Ukrainian authorities, international organisations, as well as issuing statements on specific human rights issues.

On 1 February, the Commissioner [met](#) with Dmytro Lubinets, Ukraine's Parliamentary Commissioner for Human Rights (Ombuds), to hear about his office's work in the response to the human rights violations resulting from the war in Ukraine and to discuss areas of cooperation. On 27 February, the Commissioner and the Ukrainian Ombuds met again in Kyiv.

On 23 February, in a joint [statement](#) adopted to mark one year since Russia's full-scale invasion of Ukraine on 24 February 2022, the Commissioner, together with Iceland's Minister for Foreign Affairs and President of the Committee of Ministers Thórdís Kolbrún Reykfjörð Gylfadóttir, President of the Parliamentary Assembly Tiny Kox, Secretary General Marija Pejčinović Burić, and President of the Congress of Local and Regional Authorities Leendert Verbeek, reiterated their condemnation of Russia's continued aggression. Calling it a blatant violation of international law, the co-signatories noted that Russia's aggression has claimed countless human lives, causing immense human suffering in Ukraine and serious violations of international humanitarian and human rights law. They reiterated the imperative of ensuring accountability for all crimes, including the crime of aggression, and called for the restoration of peace based on international law, justice and respect for human rights.

From 26 February to 1 March, the Commissioner carried out her second visit to Ukraine since Russia's full-scale invasion of the country, this time focusing on the human rights of children who have been separated from their families or legal guardians and transferred to Russia or to Ukraine's territories temporarily occupied by Russia, and on the human rights situation of the Crimean Tatars. The visit was followed by a statement on 6 March and a thematic report on 18 April covering these issues (see under 'Country work – Visits, Missions and Reports').

On 27 April, the Commissioner [expressed](#) her dismay in reaction to reports of an attack on media professionals in the Kherson region in Ukraine in blatant disregard of international humanitarian law and human rights law. Referring to her earlier [recommendations](#) on safety of journalists, the Commissioner called for more support for journalists covering armed conflicts.

On 6 June, the Commissioner [reacted](#) to the destruction of a Russian-controlled dam on the Dnipro River, which has caused flooding in many areas of the Kherson region of Ukraine and endangered the human rights of thousands of people who have already suffered greatly from Russia's war against Ukraine. She called for justice for this ruthless act and deplored its serious human and environmental consequences.

Throughout the year, the Commissioner and her Office remained in close contact with Ukrainian human rights defenders. On 26 January, the Commissioner [met](#) with Oleksandra Matviichuk, head of the 2022 Nobel Peace Prize co-laureate, Ukrainian civil society organisation 'Centre for Civil Liberties', to discuss ways of supporting human rights defenders in Ukraine and ensuring accountability for violations of human rights resulting from the war in Ukraine.

In line with her commitment to continue to pay close attention to the human rights developments in Crimea, on 14 February the Commissioner held an online meeting with a group of Crimean Tatars, including victims and witnesses of human rights violations and representatives of the Crimean Tatar Mejlis, to learn about their human rights situation, with special focus on the consequences of Russia's full-scale invasion of Ukraine in February 2022. The Commissioner met with the Crimean Tatar Mejlis representatives again in Kyiv on 28 February during her country visit to Ukraine.

## 2.2 Situation in and around the Karabakh region

In 2023 the Commissioner worked extensively to respond to the need for human rights protection in the context of the conflict in and around the Karabakh region of Azerbaijan. This work culminated with a visit to Armenia and Azerbaijan, including the Karabakh region, from 16 to 23 October (see under 'Country work – Visits, Missions and Reports'). Prior to that, the Commissioner addressed the situation in and around the region on different occasions.

Thus, on 28 August, she expressed serious concerns about the humanitarian situation in this region and the human rights of its population following the blocking of the road running through the Lachin Corridor since December 2022. She reiterated her call to restore free movement along that road, noting that, due to the prolonged disruption in the

movement of people and access to food supplies and urgent medical care, the humanitarian and human rights situation in the area had reportedly further deteriorated, affecting particularly the most vulnerable. The Commissioner called on relevant stakeholders to find a solution to avoid any further deterioration of the situation and guarantee safe and free passage to those providing humanitarian assistance and those ensuring human rights protection.

On 20 September, the Commissioner issued a statement, deploring the renewed military escalation around the Karabakh region and its impact on the safety and human rights of civilians, especially on the most vulnerable. While noting the announcement of a ceasefire, she underscored the importance of ending armed hostilities in the region to ensure the safety of the civilian population. She reiterated the need to guarantee regular and unimpeded access for those who provide humanitarian assistance and those who ensure human rights protection to the affected local population. She stressed the importance of reinstating the path toward reconciliation and dialogue based on full respect for the human rights of the affected population to ensure lasting peace for all people.

On 2 October, the Commissioner issued a [statement](#) concerning the rapidly changing situation in and around the Karabakh region, noting that following Azerbaijan's recent military action and its subsequent control over the region, over 100,000 Karabakh Armenians, including families, older people and other vulnerable groups, had fled their homes and sought refuge in neighbouring Armenia. While welcoming the efforts made by Armenia to protect and assist those individuals concerned in the immediate term, the Commissioner highlighted the urgency and the need for additional assistance in addressing their needs with the support of the Council of Europe member states. She also took note of a number of measures taken by Azerbaijan to reintegrate the Karabakh region and urged the authorities to guarantee the respect of human rights of ethnic Armenians who remained there and those who had left, including their right to return in safety and dignity. Again, the Commissioner stressed the importance of ensuring access of humanitarian assistance and human rights missions to all areas and people affected by the conflict and expressed her intention to seek the engagement of all relevant interlocutors from both countries.

### 2.3 Human rights of refugees, asylum seekers and migrants

The Commissioner made numerous country-specific interventions related to the human rights of refugees, asylum seekers and migrants. She carried out country visits to Denmark and Italy, where this issue was one of the topics addressed, and engaged with the situation of people displaced from the Karabakh region during her missions to Armenia and Azerbaijan. She also published a report following a country visit to Spain, and sent letters to governments and parliaments of member states, including on the situation of search and rescue NGOs in Italy, continuing pushback allegations in Latvia, legislative changes in the United Kingdom, reception conditions in Ireland, the investigation of a shipwreck in Greece and the closure of the Eastern land border in Finland (see under 'Country work – Visits, Missions and Reports' and 'Country work – Continuous dialogue').

Additionally, on 12 January, she published a [statement](#) calling on the Greek authorities to reverse the trend undermining the work of journalists and human rights defenders working with refugees, asylum seekers and migrants, and to ensure that they can work freely and safely by providing an enabling environment for their work and publicly recognising their important role in a democratic society.

On 8 February, the Commissioner issued a [statement](#) ahead of the Special European Council of 9 and 10 February, warning that human rights abuses in the context of migration policies, including pushbacks, denial of access to asylum, the facilitation of interception of people at sea and the criminalisation and harassment of human rights defenders, had proliferated. She called for member states' leaders to express a clear commitment to ending human rights violations.

On 24 April, the Commissioner issued a [statement](#), calling on the Lithuanian Parliament to reject the draft amendments to the Law on the State Border and its Protection, which would legalise practices putting persons in need of international protection at risk of pushbacks. She stressed that the need to adopt of a robust, human rights compliant and protection-oriented legal framework in the area of migration and asylum, strengthening safeguards to uphold the absolute prohibition of *refoulement* as well as the prohibition of collective expulsions.

On 19 June, ahead of World Refugee Day, the Commissioner released a [statement](#) expressing her concern about the alarming level of tolerance to serious human rights violations against refugees, asylum seekers and migrants that has developed across Europe. She noted that, instead of holding each other accountable on the basis of commonly-agreed standards, Council of Europe member states' governments had far too often silently tolerated or openly supported the adoption of laws and policies that had progressively stripped away human rights protections from people on the move. She called on member states to show, through their actions, their recommitment to the values of the Council of Europe which they had expressed at the 4<sup>th</sup> Summit of the Council of Europe.

On 21 June, the Commissioner issued a [statement](#) calling on the Latvian Parliament to reject draft amendments to the Law on the State Border and the Law on the State Border Guard that would legalise practices at the border with Belarus that placed persons in need of international protection at risk of pushbacks and ill-treatment. Parliamentarians should instead establish human rights compliant border management policies and use their oversight powers to ensure that the legislative framework related to asylum and border control was fully in line with relevant international and European standards.

On 17 July, the Commissioner published a [statement](#) following the conclusion of a Memorandum of Understanding between the European Union and Tunisia, including on migration co-operation. The Commissioner called on member states to press for immediate clarification of the safeguards that would be put in place, and to insist that the migration-related aspects of the agreement would not be implemented further until clear safeguards had been established.

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

On 9 November, the Commissioner issued a [statement](#) welcoming the opening by the Greek Ombudsman institution of an independent investigation into the acts and potential omissions of members of the Greek Coast Guard in relation to the shipwreck off Pylos. She regretted that the Greek Coast Guard had decided not to carry out an internal disciplinary investigation, and called on it and all relevant institutions and stakeholders to fully co-operate with the Greek Ombudsman institution's investigation.

On 13 November, the Commissioner issued a [statement](#) regarding the Memorandum of Understanding between Italy and Albania on disembarkation and the processing of asylum applications, which raised important questions about its human rights impact in many areas and created legal ambiguities. She warned that the wider trend towards externalising asylum responsibilities increased human rights risks and could undermine the European and global system of international protection, calling on member states to focus their energy on improving domestic asylum and reception systems and to prioritise creating safe and legal pathways to protection in Europe.

## 2.4 Freedom of expression, media freedom and safety of journalists

In 2023, the Commissioner's work in this thematic area focused extensively on the urgency to address the ongoing challenges faced by journalists, including threats, violence, and legal harassment, and to hold perpetrators accountable. The Commissioner addressed these and other issues related to freedom of expression and media freedom in a report on Serbia and in letters to the authorities of Malta (see under 'Country work – Visits, Missions and Reports' and 'Continuous dialogue').

On 16 March, during her visit to Serbia, the Commissioner paid her respects at the memorial dedicated to journalist Slavko Ćuruvija, killed in 1999. She [called](#) on the authorities to hold the perpetrators to account, end impunity and protect journalists.

At a [workshop](#) organised by the Council of Europe on how to increase support for Belarusian journalists in exile held on 21 March, the Commissioner expressed support for journalists in Belarus facing repression for their work and

called for increased help from member states, including by denouncing violations of their rights, providing financial means, facilitating relocation and granting stable residence in host countries.

On 18 April, the fourth anniversary of the killing of journalist Lyra McKee, the Commissioner [stressed](#) the need that investigations be completed effectively and to bring rapidly those responsible to justice.

From 1 to 4 May, the Commissioner participated in events organised around World Press Freedom Day in New York. On 1 May, she participated in a panel discussion on journalists in exile organised by the [Media Freedom Coalition](#), stressing the need for governments to provide safe refuge for these journalists, improve the situation of journalists in coalition member countries and overcome the fragmentation of efforts to help more journalists to defend democracy, the rule of law and human rights from their place of exile.

On 2 May, the Commissioner participated in a [conference](#) organised by UNESCO on “Shaping a Future of Rights: Freedom of Expression as a Driver for all other Human Rights”, where she stressed the need to strengthen the protection of journalists and exert peer pressure in multilateral contexts to encourage progress in this area in other countries. This was coupled with a [statement](#) in which she called on member states to close the gap between standards and reality, pointing to the need to provide timely police protection, to end impunity for attacks on journalists, and to enact laws that protect journalists and shield them from undue pressure.

On 23 May, the Commissioner [met](#) in Strasbourg with a group of journalists and human rights defenders from Republika Srpska, Bosnia and Herzegovina, discussing the deteriorating conditions for their work.

On 25 May, the Commissioner participated in the [panel discussion](#) that opened the World Congress of the International Press Institute in Vienna, where she stressed the need to strengthen the oversight and regulation of artificial intelligence and digital technologies in order to safeguard human rights, including freedom of expression and access to information.

In a [statement](#) published on 6 July she called on the Finnish authorities to clearly condemn the wave of online abuse directed at journalist Ida Erämaa in response to her work.

On 5 October, a member of the Office delivered a [speech](#) on behalf of the Commissioner at the Conference “The Pen is Mightier than the Sword? Meeting today’s challenges to freedom of expression and the safety of journalists”, organised under the Latvian presidency of the Committee of Ministers in Riga, stressing the urgency of protecting journalists in the face of the decline in their safety in Europe due to violence, attacks, and legal threats.

In a [statement](#) on 15 November the Commissioner called the pardon by the Russian authorities of one of the men convicted in the murder of Anna Politkovskaya an insult to justice, compounded by the fact that the masterminds behind this horrific crime were never revealed nor convicted.

## 2.5 Freedom of peaceful assembly

The Commissioner has continued to remind member states of the need to uphold the right to peaceful assembly, particularly in the context of peaceful protests and environmental movements. This includes ensuring that the response of law enforcement to these protests is in line with human rights standards. She raised these issues both in the context of her country work, including the reports on Serbia and on the human rights situation of Crimean Tatars (see under ‘Country work – Visits, Missions and Reports’) and the letter to the Azerbaijani authorities (see ‘Country work – Continuous dialogue’) and as part of her thematic work, including her Human Rights Comment on the growing crackdown on peaceful environmental protests published in June and the Issue Paper on dealing with the past in the region of Former Yugoslavia (see below in this section, under ‘Environmental Protection and Human Rights’ and ‘Transitional Justice’, respectively). The same issues also featured in the Commissioner’s work as part of the system of the European Convention on Human Rights (see the relevant section below) which included the Commissioner’s intervention at the hearing of the Grand Chamber of the European Court of Human Rights in the case of *Duarte Agostinho and Others v. Portugal* and her communication submitted to the Committee of Ministers regarding the supervision of the execution of the *Identoba v. Georgia* group of cases.



In addition, on March 24, the Commissioner issued a [statement](#) on the situation in France during the social movement against the pension reform. She expressed concern about the conditions under which freedom of expression and assembly were being exercised, deploring violent incidents, including those targeting law enforcement. She emphasised that force should be used only as a last resort and in compliance with necessity and proportionality, calling for an end to violence from any source.

## 2.6 Women’s rights and gender equality

In 2023, the Commissioner continued to actively address issues related to women’s rights as one of her priority areas of work, with a focus on violence against women and the importance of ratifying and implementing the Istanbul Convention; sexual and reproductive health and rights of women and girls; the role of human rights defenders in the protection and promotion of women’s rights; and the position of women in crisis situations. The Commissioner has also stressed the need to address these issues from an intersectional perspective. As part of her country work, the Commissioner raised these issues in her reports on Spain, Serbia, Czech Republic and Italy and in her letter to the National Council of the Slovak Republic. Such issues were also discussed in a number of bilateral meetings with the authorities (see under ‘Country work’).

On 7 March, ahead of International Women’s Day, the Commissioner [stressed](#) that gender-based violence, structural inequality and multiple discrimination impede the full realisation of women’s rights, especially during crises. She called on member states to mainstream gender equality and intersectionality in all policies and practices, underscoring the need to support women human rights defenders.

On 26 June, the Commissioner [urged](#) the Maltese Parliament to pause the examination of a bill setting out conditions for access to abortion and to engage in more consultations to avoid steps backwards and ensure effective access to abortion care.

On 28 June, the Commissioner [welcomed](#) the ratification of the Convention by the European Union and urged all Council of Europe member states to ratify and fully implement this landmark instrument to combat violence against women and domestic violence.

On 1 July, the Commissioner participated in the panel discussion on “Conflicts and Women: The Most Affected and the Biggest Change-makers” at the Second Annual Tbilisi Women’s International Conference in Georgia.

On 28 September, on the occasion of International Safe Abortion Day, the Commissioner [called](#) on member states to recognise, protect and support the work of human rights defenders who contribute to making access to safe and legal abortion care a reality across Europe, highlighting their crucial role in providing information and support to women and girls living in a situation of vulnerability and/or in member states with restrictive policies on abortion care. She emphasised in particular the need for member states to protect these defenders against attacks, smear campaigns and other forms of harassment, which also result in a wider chilling effect, including on women seeking assistance.

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

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



On 27 November, the Commissioner participated in the PACE initiative for the 16 days of activism against gender-based violence [stressing](#) the importance of states' action to safeguard women and girls' sexual and reproductive health and rights to combat violence against women and girls and promote gender equality. She underscored how lack of access to sexual and reproductive health and rights puts some of the most significant and intimate aspects of women and girls' lives at risk and exposes them to gender-based violence and abuse.

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

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

## 2.7 Children's rights

The protection of children and young people and their rights remained an important area of focus for the Commissioner in 2023, addressed in her country work in the Czech Republic, Italy and Germany and in thematic work, including related to social rights, equality, migration-related concerns, LGBTI rights and the protection from cyber-violence and online hate. Children continue to be disproportionately impacted by the war in Ukraine as well as by the continuously mounting upsurge in poverty, inequality, and social exclusion across the continent. Despite the fact that children and young people are directly affected by policy decisions pertaining to environmental rights and climate justice, genuine opportunities to effectively participate are still lacking and member states often reacted with repression and resentment towards young people's peaceful protests, rather than acknowledging the legitimacy of their concerns and opening up new mechanisms for open social dialogue (see also under 'Thematic activities – Human rights and the environment').

On 31 January, the Commissioner met with the Bureau of the European Network of Ombudspersons for Children (ENOC) to exchange on respective priorities and main concerns regarding the protection and promotion of children's rights in Europe. Topics discussed included the rights of Ukrainian children displaced by the war and in particular vulnerable children, such as those with disabilities, in institutions or unaccompanied. They also discussed the need to focus attention on the mental health crisis among children and youth, to boost the effective participation of children in all matters that affect them, and to strengthen the protection of child human rights defenders.

On 4 April, the Commissioner met online with UN Special Representative of the Secretary-General for Children and Armed Conflict, Virginia Gamba, to discuss children's rights in times of conflict. On 3 May, the Commissioner met again with the Special Representative, this time in person at the UN in New York, to continue their discussions on the same issue.

The importance of giving young people effective opportunities to participate in all relevant societal processes also featured prominently in the Commissioner's intervention during her participation in the [presidential panel](#) at the Bled Strategic Forum on 28 and 29 August in Slovenia (see below 'Other meetings').

## 2.8 Human rights of persons with disabilities

In 2023, the Commissioner continued to promote the rights of persons with disabilities, with particular focus on deinstitutionalisation, the right of persons with disabilities to enjoy legal capacity on an equal basis with others, and the need to end coercion in mental health care. She also drew attention to the need to address the exposure to violence and abuse, including sexual abuse, of persons with disabilities living in institutions and to ensure their full access to justice.

On 14 November, in a [video message](#) to the Riga Conference "Promoting autonomy in mental health care", organised under the auspices of the Latvian Presidency of the Committee of Ministers, the Commissioner reiterated the

importance of a human rights approach to mental health care and stressed that a paradigm shift is needed to replace institutions and coercion-based mental health services with voluntary, community-based models. She called on member states to ensure that health care is provided on the basis of free and informed consent and to take measures to deconstruct the stigma associated with mental health conditions and with all forms of disability.

On 3 December, on the International Day of Persons with Disabilities, the Commissioner [stressed](#) the imperativeness of the pledge to leave no one behind and called for acting together to make the full inclusion and participation of persons with disabilities a reality.

The Commissioner also addressed issues related to the rights of persons with disabilities during her visits to the Czech Republic and Denmark and in her ensuing reports. This topic was further covered in the context of the mission carried out by members of her Office in Romania (see under 'Country work – Visits, Missions and Reports').

## 2.9 Human rights of LGBTI people

The Commissioner's [speech](#) at the ILGA-Europe annual conference (27 October) provided an opportunity to reflect on the increasing backlash against the human rights of LGBTI people, observed throughout her mandate, as well as the resilience of the movement and the importance of support from allies.

On 1 December, the Commissioner [condemned](#) as a major backward step the decision of the Russian Supreme Court to label the 'international LGBTI movement' extremist, and called on member states to support Russian LGBTI human rights defenders.

The use of so-called conversion therapies (practices) was an important focus of the Commissioner's work in this thematic area in 2023. In her [Human Rights Comment](#) of 16 February, she sets out the harms caused by these practices and the human rights which they violate, as well as the need for a comprehensive and human rights-based response. She noted an increased awareness of these practices across the region and, on the same day, [welcomed](#) Spain's adoption of a law which, among other measures, introduced a ban on conversion practices. Throughout the year, the Commissioner raised awareness of the need to eliminate these practices, notably through a [video message](#) addressed to the IDAHOT+ forum organised by the Icelandic Presidency of the Council of Europe on 11 May; her participation in a [public hearing](#) organised by the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) on 18 July; and at a [joint meeting](#) of the PACE Committee on Equality and Non-Discrimination and PACE Parliamentary platform for the rights of LGBTI people in Europe on 12 October.

The Commissioner condemned violence and attacks on the freedom of association and expression of LGBTI people and defenders and called on the authorities to ensure that LGBTI people are able to assemble peacefully, and that perpetrators of violence are held to account. She delivered these messages, *inter alia*, at a keynote address at the opening event of Pride week in Tbilisi, and in her Rule 9 [submission](#) in the case of *Identoba and Others v. Georgia*. On Transgender (trans) Day of Remembrance (20 November), she further [highlighted](#) the rising digital violence against trans people and human rights defenders, and the responsibility of member states and digital platforms to counter it. In her country visit and [report](#) on Italy, the Commissioner also urged the authorities to improve their anti-discrimination, hate speech and hate crime legislation by including SOGIESC (sexual orientation, gender identity or expression and sex characteristics) grounds.

Regarding legal gender recognition, the Commissioner welcomed the introduction of self-determination in [Finland](#) and [Spain](#), while stressing the need for reform in her country visit and [report](#) on the Czech Republic. She [urged](#) the Slovak parliament to reject a bill undermining trans people's rights on 25 April (see under 'Country work - Continuous dialogue'), and [expressed concern](#) at the later revocation of guidelines on medical transition and gender-affirming healthcare (22 November).

A number of positive steps were taken in 2023 towards the legal recognition of same-sex couples. On 16 January, on the eve of the delivery of the Court judgment in *Fedotova and Others v. Russia*, the Commissioner [reiterated](#) the key arguments made in her third-party intervention. She also welcomed the introduction of equal marriage and

registered partnerships in [Estonia](#) on 21 June, and the adoption of a regulation on civil partnerships in [Latvia](#) on 31 November. In her [report](#) on the Czech Republic, she expressed support for the introduction of equal marriage for all.

The Commissioner continued to draw attention to the many remaining human rights challenges faced by intersex people, and called, in particular, for the outlawing of medically unnecessary surgeries on intersex children without consent. This work was carried out notably through her [participation](#) in a high-level session of the Council of Europe conference on Advancing the Human Rights of Intersex People on 26 January, and on the occasion of [Intersex Awareness Day](#) on 26 October. She also [addressed](#) the community at an event organised by the Organisation Intersex International (OII) Europe on 9 June, noting the progress made in protecting the human rights of intersex people, and the vital role played by human rights defenders in securing those advancements.

On Lesbian Visibility Day (26 April), the Commissioner [called](#) for lesbians' lived experiences of intersectional discrimination to be made visible. Members of her Office also met with a group of representatives of member organisations of the European Lesbian Conference (EL\*C).

## 2.10 Human rights of older persons

Ahead of the International Day of Older Persons, on 29 September, the Commissioner [called](#) on member states to review their policies and practices with a view to better integrating a life course approach to human rights, to ensure the meaningful participation of all stakeholders, including older persons, and build intergenerational solidarity. The Commissioner reiterated that human rights should not be denied or diminished with age and stressed that they must be fulfilled for all, across generations.

Issues pertaining to the human rights of older persons were also covered during the mission carried out by members of the Commissioner's Office in Romania (see under 'Country work – Visits, Missions and Reports').

## 2.11 Human rights of Roma and Travellers

In 2023, the Commissioner paid attention to manifestations of discrimination and prejudices against Roma people and continued to stress the importance of combating antigypsyism, including through history teaching.

In this respect, on 6 April, ahead of International Roma Day, the Commissioner [called](#) on member states to ensure that the history of Roma is never forgotten, but instead valued and taught to society at large. She highlighted the importance of history teaching as one of the tools contributing to the elimination of prejudice, which is still experienced by Roma in today's Europe in all fields of life, including in times of crises. She underlined that Roma contributions to European history and culture must be brought to light and replace old myths and prejudices to build a common narrative based on respect for shared heritage and cultural diversity.

On 25 April, in a [video message](#) recorded for the final conference of the CHACHIPEN Project on "History, Memory and Justice for Roma in Europe", the Commissioner reaffirmed her support to 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.

On 1 August, ahead of European Roma Holocaust Memorial Day, the Commissioner [called](#) on all states to ensure that Roma history is kept alive and reminded them about the different tools at their disposal to make sure that the memory of those lost remains and is converted into concrete measures of protection for the human rights of Roma.

The Commissioner specifically addressed the importance of establishing of a compensation mechanism for persons subjected to forced sterilisation, including Roma women, in her report following her visit to the Czech Republic and in a letter to the National Council of the Slovak Republic (see 'Country Work – Reports and Continuous dialogue').

## 2.12 Rights of persons belonging to national minorities

During 2023, the Commissioner continued to promote the rights of national minorities. On 2 February, on the occasion of the 25<sup>th</sup> anniversary of the Framework Convention for the Protection of National Minorities, she [reflected](#) on the importance of building diverse and cohesive societies, and called for states to accelerate progress and rise to challenges which had been exacerbated by recent crises.

The Commissioner also fostered dialogue and cooperation with other institutions and bodies specialised in the protection of national minorities. On 13 October, the Commissioner held an exchange of views with the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC). She informed them of her recent work in the field, and underlined the mutually reinforcing roles of both institutions, as well as the shared challenges. On 8 June, her Office met with the OSCE High Commissioner on National Minorities, with the discussion focusing on the situation of minorities in light of Russia's war against Ukraine, and transitional justice issues in the Western Balkans.

## 2.13 Social Rights

The protection of social rights featured prominently among the priorities of the Commissioner in 2023 both in her country and thematic work, as the cost-of-living crisis in Europe continued and more and more families were affected in particular by mounting food and housing costs. In the Czech Republic, the Commissioner stressed the right of all children to inclusive and high-quality education; in Italy, she emphasised the need to address shortcomings in sexual and reproductive health and rights for girls; and in Germany, she expressed concern about the long-term impact of poverty, homelessness and social exclusion on broader access to rights, including health, quality education, the right to private life, civil rights and political participation (see 'Country Work – Reports and Continuous dialogue').

On 6 July, the Commissioner joined the opening of a [seminar](#) organised by the Secretariat of the European Social Charter to mark the 25<sup>th</sup> anniversary of the Collective Complaints Procedure. The Commissioner stressed that despite the firm commitment to uphold social rights expressed by political leaders at the highest level, including during the 4<sup>th</sup> Council of Europe Summit in Reykjavik, many people in Europe still lived in poverty and without access to basic services. She [called](#) on member states to stand by their promises to social rights not only in words but in actions. They should accept the Collective Complaints procedure as a unique and innovative tool in the human rights protection system which facilitated prompt action where needed and gave agency to social partners who were the first to see newly emerging social rights problems in the member states. In addition, it addressed social rights systemically which was the only way that they could be meaningfully addressed.

## 2.14 Combating racism and intolerance

In 2023, the Commissioner's work on combating racism and intolerance focused on Holocaust remembrance and combating antisemitism, antigypsyism, anti-Muslim racism, xenophobia, and hate speech and hate crime.

In a [statement](#) released on 24 January, ahead of the International Day of Commemoration in memory of the victims of the Holocaust, the Commissioner stressed that remembering the Holocaust involves a duty to deliver on genocide prevention. She further called on member states to recommit to the common values of humanity, democracy and equal respect for the rights and dignity of all persons.

On 20 March, on the eve of the International Day for the Elimination of Racial Discrimination, the Commissioner [called](#) for action to close the gap between the reality of those who experience racism and the promise of the Universal Declaration of Human Rights.

The Commissioner further addressed the need to counter the rise of intolerance, including in the context of conflicts, at a conference organised by the German Institute for Human Rights on 30 November to mark of the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights.

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

The Commissioner further addressed issues pertaining to combating racism and intolerance in her work as part of the system of the European Convention on Human Rights (see the relevant section below), which included issues of ethnic discrimination in respect of electoral rights (in her communication in the context of the supervision of the execution of the judgments of the European Court of Human Rights in the *Sejdić and Finci* group of cases) and discrimination and manifestations of intolerance, including hate speech and hate crime, towards LGBTI people and religious and other minority groups (in her communication on the *Identoba and Others v. Georgia* group of cases). Meetings with key stakeholders, including ECRI and the Chair of the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) (see under ‘Other meetings’) provided further opportunities to discuss priority issues.

### 2.15 Transitional justice

The need to address gross human rights violations was high on the Commissioner’s agenda in 2023. She repeatedly stressed the imperative of honouring the victims by fulfilling their right to justice, truth, and reparations. Dealing with past abuses is necessary to lay the foundations of long-term peace grounded in respect for human rights and the rule of law.

The Commissioner continued to insist on the need to ensure accountability for the international crimes committed in the context of the war launched by Russia against Ukraine, including during her visit to Ukraine which focused on Ukrainian children transferred to Russia and Russian-occupied territories and in her [Observations](#) on the 4<sup>th</sup> Summit of the Council of Europe.

She examined issues related to transitional justice in her country work, including her [report](#) on Serbia (see under ‘Country work – Visits, Missions and Reports’) and [letter](#) to the local authorities in Prijedor, in Bosnia and Herzegovina, concerning memorialisation (see under ‘Country work - Continuous dialogue’). The Commissioner also [called](#) on the United Kingdom’s authorities not to press for the adoption of the Northern Ireland Troubles (Legacy and Reconciliation) Bill.

The Commissioner highlighted specifically the link between remembrance and preventing the recurrence of abuses. On the International Day of Commemoration in memory of the victims of the Holocaust, the Commissioner [stated](#) that remembering the Holocaust involves a duty to deliver on genocide prevention. In relation to the commemoration of the Jasenovac extermination camp in Croatia, she [stressed](#) that combating historical revisionism about WWII was a steppingstone to preventing the recurrence of atrocities. On 11 July, the Commissioner [repeated](#) her call for the recognition of an official International Day of Remembrance of the victims of the Srebrenica genocide, stressing the urgency of stopping a downward spiral of denial by promoting a culture of truth, empathy for the victims and reconciliation. The Commissioner also attended the commemoration of the liberation of the concentration camp of Bergen-Belsen in Germany (see above, this section).

On 23 November, the Commissioner issued an [Issue Paper](#) entitled “Dealing with the Past for a Better Future: Achieving justice, peace and social cohesion in the region of the former Yugoslavia”. A key message is that dealing with the past is far from being a backward-looking exercise; it is an essential prerequisite for the achievement of durable peace in cohesive, pluralist democratic societies based on respect for human rights.

The Issue Paper starts with acknowledging the considerable legacy of transitional justice processes in the region, before examining what is still unfinished. In this regard, the Commissioner observes that war crimes trials, the search for missing persons and reparations have slowed down or stagnated in recent years, mostly due to a lack of political will. Other crucial measures, such as the establishment of truth and reconciliation commissions, vetting of public officials, dealing with the root causes of the violent past and inclusive memorialisation have not taken place. The

Issue Paper presents some of the factors and trends that undermine these processes and shows the links between the failure to fully deal with the past and current negative human rights trends. Several issues are highlighted, such as the return to ethnonationalist discourse, accompanied by the denial of war-related atrocities and glorification of war criminals, the increasing hate speech and intolerance; challenges faced by human rights defenders; non-inclusive approaches in the field of education, history teaching and memorialisation of past crimes; and the failure to deal with the root causes of the conflicts. Finally, the Issue Paper charts a way forward, presenting several areas that deserve focus for a better impact on justice and reconciliation. Underscoring the importance of regional cooperation and approaches, the Commissioner urges states in the region to revive transitional justice efforts through a victim-centred approach. She stresses the importance of the intergenerational dimension of dealing with the past, including youth engagement in order to break the ongoing transmission of trauma and hatred from one generation to the next.

The Commissioner's Office also co-operated with other international organisations and civil society on this topic, including through its participation in a regional meeting on "Lessons learned and good practices of transitional justice in the context of sustaining peace and sustainable development, notably the SDG 16" convened by the Office of the United Nations High Commissioner for Human Rights in Geneva.

## 2.16 Artificial Intelligence and human rights

In 2023, the Commissioner continued to pay special attention to the human rights impacts of AI systems and the need for enhanced oversight and monitoring of AI design, development and deployment by independent institutions. She stressed that member states are committed under the European Convention to ensure that individuals and societies are effectively protected from the risks to human rights, democracy and the rule of law associated with AI systems. To that end, she has called for the creation of a legal and regulatory framework that effectively protects individuals from human rights violations, whether committed by private or public actors. She has stressed that the legal framework should contain clear criteria for identifying unacceptable risks to human rights, democracy and the rule of law, unambiguous safeguards for the right to an effective remedy in line with Article 13 of the European Convention on Human Rights, and an obligation for member states to guarantee effective independent oversight. The Commissioner has also emphasised that regulation should not be considered an obstacle to economic growth as it has, on the contrary, prompted new and better innovation in the past.

On 30–31 March, the Commissioner [met](#) with 30 heads and senior representatives of national human rights structures (NHRs) to discuss their experiences, challenges and promising practices with respect to the implementation of her 2019 [Recommendation](#) "Unboxing AI – 10 steps to protect human rights" (see under 'Cooperation with national human rights structures').

On 9 May, the Commissioner published her [Follow-up Recommendation](#) "Human rights by design - future-proofing human rights protection in the era of AI", which review the key challenges faced by member states in protecting and promoting human rights in the use of AI systems. Based on her findings and in consultation with national human rights structures, the Commissioner highlighted three interdependent trends that continue to hamper the full implementation of international human rights standards related to AI in Europe. Sector-specific approaches to the implementation of human rights standards, focusing on subsets of rights, hindered the consistent application of existing guarantees across all relevant sectors using AI, while clear and updated information about AI and its potential impacts on human rights remained scarce across Europe. Intellectual property protections constituted obstacles to the enforcement of information rights and the transparency of processes remained insufficient. In addition, the fact that AI development was driven mostly by the private sector meant that public authorities had generally adopted reactive rather than proactive approaches, missing out on opportunities to direct AI design towards alternative innovation that could strengthen human rights.

The Commissioner further observed that the persistent narrative of AI as being so highly technical and inscrutable that it escaped the grasp of human control and effective regulation was a misconception that had led to a noticeable reluctance at senior policy level to engage with the potential human rights harms caused by AI. This had thus far hindered the effective enforcement of existing legal standards and the creation of adequate mechanisms to mitigate risks and effectively prevent human rights violations.



In her recommendations, the Commissioner underscored the key role of NHRs in ensuring that member states safeguarded human rights in the design, development, and deployment of AI systems and stressed the need to reinforce supervision and oversight by independent institutions. She strongly welcomed the engagement by the European networks of national human rights institutions and equality bodies in the negotiation process leading to the Council of Europe Framework Convention on AI, human rights, democracy and the rule of law and encouraged further efforts towards their increased involvement in AI governance and regulation.

### 2.17 Environmental protection and human rights

In 2023, the Commissioner’s work in the area of human rights and the environment focused on protecting environmental human rights defenders, in particular among young people.

On 2 June, ahead of World Environment Day, the Commissioner published a [Human Rights Comment](#) on the growing crackdown on peaceful environmental protests and environmental human rights defenders in Europe. In it, the Commissioner denounced the repression, criminalisation, and stigmatisation of environmental defenders, called for more genuine and effective participation in public decision-making and dialogue on environmental matters, and urged more decisive and ambitious government action in response to climate change, environmental pollution, and biodiversity loss.

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

The Commissioner raised these issues on several occasions also in the framework of her country work, specifically in a letter to the Azerbaijani authorities (see under ‘Country work – Continuous dialogue’) and in the [oral remarks](#) she delivered at a Grand Chamber hearing held by the European Court of Human Rights in the case of *Duarte Agostinho and Others v. Portugal and 32 Others* which concerns the negative impact of climate change on human rights, particularly those of younger generations (see under ‘System of the European Convention on Human Rights’).

### 2.18 Data protection

On 27 January, on the occasion of European Data Protection Day, the Commissioner published a [Human Rights Comment](#) entitled “Highly intrusive spyware threatens the essence of human rights”. The Commissioner noted that 18 months after the disclosure of the leak of over 50,000 phone numbers that had been identified as potential targets for surveillance through the Pegasus spyware, human rights activists, journalists, and opposition politicians continued to be targeted with powerful zero-click hacking tools that granted unrestricted access to their private lives and put their personal safety and basic human rights at risk. While welcoming the ongoing inquiries into the export, sale, transfer, and use of highly intrusive spyware such as Pegasus, the Commissioner called on member states to take action to prevent further abuse and to put in place a comprehensive and human rights compliant legislative framework for the use of modern surveillance technology. This should provide for meaningful procedural guarantees, robust systems of ex-ante and ex-post oversight, and effective redress mechanisms for victims. The Commissioner further reflected on the need for more public awareness about the rampant threat to human rights, including the rights to privacy, freedom of expression and public participation, stemming from an uncontrolled spyware industry and the opaque operations of national security services.

On 26 September, the Commissioner delivered a lightning [talk](#) at an event organised by EDRi on encryption, surveillance, and privacy, during which she stressed the importance of end-to-end encryption as a vital human rights tool to protect the rights to privacy, freedom of expression and many other human rights. The Commissioner emphasised that there can be no general and indiscriminate access to the content of personal communications, neither by state authorities nor by companies, as this would undermine the very essence of digital security in terms of privacy protection and human rights safeguards.

## 2.19 Counter-terrorism and human rights protection

In 2023, the Commissioner followed up on the issue of repatriation, reintegration and rehabilitation of European suspected ISIS fighters and their family members. The Commissioner held discussions on this topic with several interlocutors, including with president and the secretary general of France’s National Consultative Commission for Human Rights, as well as with the French Defender of Rights (see under ‘Other meetings’). The Commissioner’s Office also participated in several events related to these issues.

## 3 HUMAN RIGHTS DEFENDERS

In 2023, the Commissioner continued to target extensive work towards supporting the human rights defenders and civil society activists in the Council of Europe region.

On 23 March, she published the [report](#) of a Roundtable with human rights defenders on the situation of human rights defenders in the Council of Europe area in times of crises. The report highlights how the prioritisation of national security and public safety concerns over human rights in a context of overlapping crises, such as growing inequalities compounded by the climate emergency, the pandemic, and the rise of populist governments and anti-rights agendas, has hindered human rights defence and civic activism. It points to a growing gap between the risks and the obstacles human rights defenders face, on the one hand, and the human rights standards agreed upon by states, on the other. The report includes the Commissioner’s recommendations to Council of Europe member states on the need, among others, to refrain from administrative and judicial harassment and the use of SLAPPs; to allow human rights defenders to participate in public decision-making effectively; and to protect and promote the work of activists defending various groups, such as women, children, migrants, LGBTI people and ethnic minorities.

Throughout the year, the Commissioner maintained regular contact with Ukrainian human rights defenders in the context of Russia’s war of aggression against Ukraine. During her [visit](#) to Ukraine in February, she met with human rights defenders working on the situation of children transferred to Russia and to territories of Ukraine under Russian occupation. The Commissioner also held meetings with representatives of the Crimean Tatar people, including civil society activists, to discuss the human rights situation of Crimean Tatars in Russian-occupied Crimea. These exchanges contributed to the preparation of the Commissioner’s [report](#) on the human rights situation of Crimean Tatars.

The Commissioner continued to pay attention to specific situations where human rights defenders had faced obstacles to their work in various Council of Europe member states. In addition to addressing these issues in her report on [Serbia](#) (see under ‘Country work – Visits, Missions and Reports’), the Commissioner made a series of statements in which she addressed: the arrest and detention of Bakhtiyar Hajiyev, which she considered illustrated the intolerance of the government of [Azerbaijan](#) towards independent civic activism; the need to protect democratic freedoms in [Türkiye](#) ahead of elections; and the necessity to abandon the proposal for a “defence of national sovereignty” package in [Hungary](#), including in view of the opportunity it provided to silence and stigmatise independent voices. The Commissioner also intervened in connection with: undue pressure on journalists and human rights defenders and the criminal prosecution of individuals assisting refugees, asylum-seekers and migrants in [Greece](#); the freedom of expression of a women’s rights defender in [Andorra](#); attacks and violence against LGBTI people and human rights defenders in [Bosnia and Herzegovina](#); and the examination by the Parliament of [Georgia](#) of a draft law “On transparency of foreign influence” with potential chilling effect on the work of civil society organisations.

The Commissioner continued to maintain regular support for environmental human rights defenders and the right to environmental protests. On 2 June, she published a [Human Rights Comment](#) calling for more genuine and effective participation in public decision-making and dialogue on environmental matters (see under ‘Thematic Activities – Environmental protection and human rights’). On 20 June, the Commissioner’s Office met with the Special Rapporteur on Environmental Defenders under the Aarhus Convention and discussed several human rights issues of common interest.



The Commissioner exchanged and met with various human rights defenders throughout the year. On 5 June, she met with a group of human rights defenders from around the world – laureates of the French government’s Marianne initiative. Topics covered included obstacles, restrictions and reprisals human rights defenders face and possible solutions. The Commissioner also met with the PACE Rapporteur working on a report on women human rights defenders and held an exchange of views on the situation of human rights defenders, including from Russia and Belarus, with members of the PACE Committee on Legal Affairs and Human Rights and with the PACE General Rapporteur on the situation of human rights defenders.

The Commissioner continued her action in support of Russian and Belarusian civil societies, including human rights defenders and journalists in their respective countries and in exile in the Council of Europe member states. She voiced concerns about the continuing trend of imprisonment of journalists and human rights defenders in Russia and Belarus in an attempt to silence the independent critical voices in the region. In this regard, the Commissioner issued several statements denouncing: the criminal conviction of Belarusian human rights defenders including [Ales Bialiatski](#) a Nobel Peace Prize Laureate; the criminal prosecution and trial of [Oleg Orlov](#), one of the leaders of Memorial, a Nobel Peace Prize co-laureate from Russia; and the criminal prosecution and imprisonment of [Nasta Loika](#), a prominent Belarusian human rights defender. She also issued a [statement](#) drawing attention to the ongoing reprisals and harassment faced by human rights defenders in Russia, illustrated by the shutting down of the Moscow Helsinki Group and [reacted](#) to the brutal attack on journalist Elena Milashina and lawyer Aleksandr Nemov in Chechnya. Furthermore, throughout the year, the Commissioner held a series of in-person and online meetings with Russian and Belarusian human rights defenders, journalists and civil society members to discuss a number of human rights issues as well as their situation in the region.

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

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

#### 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 (NHRs), such as National Human Rights Institutions (NHRIs), Equality Bodies, National Preventive Mechanisms and others. Independent and effective NHRs are essential partners of the Commissioner, including for her dialogue with member states. In 2023, the Commissioner continued to maintain close contact with these bodies bilaterally and through their networks, including the European Network of NHRIs (ENNHRI), EQUINET and the European Network of Ombudspersons for Children (ENOC). She repeatedly stressed the importance of strong NHRs for the realisation of human rights.

The Commissioner held bilateral meetings with NHRs during her country visits and missions as well as in Strasbourg to discuss mainly national human rights developments. In Strasbourg, this included meetings with the Ukrainian Parliamentary Commissioner for Human Rights, the Ombudswoman of Catalonia, the French National Consultative Commission for Human Rights, the French Defender of Rights, the Human Rights Defender of Armenia, the Public Defender of Georgia, the Director of the Finnish Human Rights Centre and the Finnish Non-Discrimination Ombuds, as well as with [representatives of ENNHRI](#) and ENOC.

Building on her Office’s practice of exchanging with NHRs on human rights issues of current importance, the Commissioner organised in March a [thematic exchange of views](#) with 30 heads and senior representatives of NHRIs, Equality Bodies, and Ombudsman Institutions of Council of Europe member states on Artificial Intelligence and Human Rights, which followed on a previous meeting with Equality Bodies on algorithmic discrimination in 2019.

Given their role in the supervision and enforcement of the rights enshrined in the European Convention on Human Rights at national level NHRs must be closely involved in all processes related to the use of AI, its possible impact on human rights and its regulation (see above under ‘Thematic activities – Artificial Intelligence and Human Rights’).

The Commissioner called for the establishment of NHRIs where they do not exist yet, and used her own work to increase NHRs’ visibility, as well as to stress member states’ responsibility to ensure that they are independent, strong and well-funded. For example, the Commissioner [welcomed](#) the establishment of a NHRI in Switzerland and urged the [Czech Republic](#) and [Italy](#) to establish one. She highlighted the role of NHRs in her [Human Rights Comment](#) entitled “Nothing to cure: putting an end to so-called “conversion therapies” for LGBTI people”; [Human Rights Comment](#) entitled “Crackdowns on peaceful environmental protests should stop and give way to more social dialogue”; [Follow-up Recommendation](#) on Artificial Intelligence and Human Rights; and [Issue Paper](#) on dealing with the past in the region of the former Yugoslavia. In the context of the 4<sup>th</sup> Council of Europe Summit, the Commissioner repeatedly [highlighted](#), among other priorities, the need to focus on creating an enabling environment for NHRs and for the Council of Europe to increase co-operation with them.

The Commissioner delivered a [keynote speech](#) at the 10<sup>th</sup> anniversary conference of ENNHRI. On this occasion, she highlighted several trends regarding the work of NHRIs which she observed during her mandate. In the context of a backsliding of human rights and the rule of law and several human rights crises, including COVID-19 and the Russian war against Ukraine, independent and effective NHRIs have shown that they can rise to the challenge. The Commissioner also noted that their voice and influence have increased at the Council of Europe. She however regretted a notable increase in threats and attacks against NHRIs. Moving forward, the Commissioner stressed that implementing Council of Europe standards on NHRIs will help strengthen them and increase their resilience. Co-operation and exchange of good practices, as nurtured by the ENNHRI network, and more effective outreach to the public are also essential.

## 5 CO-OPERATION WITH EUROPEAN AND INTERNATIONAL ORGANISATIONS

### 5.1 European Union

In 2023, co-operation with the European Union focused on issues such as asylum and migration, the human rights consequences of Russia’s aggression against Ukraine, women’s rights and gender equality, as well as civil society and human rights defenders.

In March, the Commissioner had an online exchange of views with the European Union’s Special Representative for Human Rights, Eamon Gilmore. Also in March, she met in Strasbourg with the COSCE Working Party of the Council of the European Union, and informed them about her priorities, including in view of the Council of Europe Summit.

In July, the Commissioner had a meeting in Venice with the Director of the EU Fundamental Rights Agency, Michael O’Flaherty, to discuss human rights topics of common interest. In addition to regular contacts with the EU FRA, her Office also held exchanges with Frontex and the European Institution for Gender Equality.

### 5.2 Organisation for Security and Cooperation in Europe

Co-operation with the OSCE focused on issues related to freedom of the media, the situation of national minorities, and equality and non-discrimination.

In March, the Commissioner participated in the workshop, organised by the [Safety of Journalists Platform](#), which was also attended by the OSCE Representative on Freedom of the Media, Teresa Ribeiro. In June, her Office had a meeting with the OSCE High Commissioner on National Minorities, Kairat Abdrakhmanov. In July, the Commissioner met with the Chairman-in-Office of the Organisation for Security and Cooperation in Europe and Minister of Foreign Affairs of North Macedonia, Bujar Osmani.

### 5.3 United Nations

Co-operation with the UN institutions focused in particular on migration and refugees, the human rights consequences of Russia's aggression against Ukraine, the situation in and around the Karabakh region of Azerbaijan, freedom of expression and the media, and the protection of environmental and human rights defenders. The Commissioner and her Office had regular contacts with the UNHCR Representation in Strasbourg, and the field missions.

In February, the Commissioner had a meeting in Strasbourg with the President of the UN Human Rights Council, Ambassador Václav Bálék and in April, she met online with the UN Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict, Virginia Gamba.

In May, the Commissioner travelled to New York to take part in the conference, organised by UNESCO (see under 'Thematic Activities – Safety of journalists, media freedom and freedom of expression'). She also had meetings with the UN Assistant Secretary-General for Human Rights, Ilze Brands Kehris; UN Assistant Secretary-General and Deputy Executive Director of the Programme of the UN Population Fund, Diene Keita; UN Special Rapporteur on Freedom of Expression, Irene Khan; and a follow-up meeting with the UN Special Representative of the Secretary-General for Children and Armed Conflict, Virginia Gamba.

In June, the Commissioner's Office met with the Special Rapporteur on Environmental Defenders under the Aarhus Convention, Michel Forst. In July, the Commissioner had a meeting in Venice with the UN High Commissioner for Human Rights, Völker Türk.

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

## 6 OTHER MEETINGS

### ***10<sup>th</sup> Annual Meeting of the Secretary General with the Heads of the Monitoring and Advisory Bodies***

On 17 January, the Commissioner spoke in the plenary session of the 10<sup>th</sup> Annual Meeting of the Secretary General with the Heads of the Monitoring and Advisory Bodies in Strasbourg. She focused on the complementarity of the institutions, bodies and mechanisms represented at the meeting, which strived within their respective mandates and with the tools at their disposal for the implementation of common standards on human rights, democracy and the rule of law. She expressed her intention to continue cooperating with all partners.

### ***Meeting with a member of the Spanish Senate and former members of the parliament and government of Catalonia***

On 23 January, the Commissioner met with the member of the Spanish Senate Laura Castel, former President of the Parliament of Catalonia Carme Forcadell, and former member of the Government of Catalonia Raül Romeva. They discussed about recent developments relating to freedoms of expression and assembly, in particular of politicians, human rights defenders and journalists, in Spain.

### ***Meeting with members of the PACE delegation of Armenia***

On 23 January, the Commissioner met with members of the Armenian Parliament and of PACE, Armen Gevorgyan, Hayk Mamijanyan and Armen Rustamyan, and discussed recent developments in the field of human rights in Armenia.

***Meeting with the Chair of the Steering Committee on Anti-Discrimination, Diversity and Inclusion***

On 26 January, the Commissioner met in Strasbourg with Sophie Élizéon, Chair of the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI). The discussions focused on current human rights challenges, notably in the context of the war in Ukraine, and on specific issues concerning the rights of LGBTI people, including equality of rights of intersex persons and legal gender recognition; combating hate speech and hate crimes; combating discrimination against Roma and Travellers; women's rights; and the human rights impact of artificial intelligence systems.

***Meeting with the Parliamentary Commissioner for Human Rights of Ukraine***

On 1 February, the Commissioner met in Strasbourg with Ukraine's Parliamentary Commissioner for Human Rights (Ombudsman), Dmytro Lubinets, to discuss a wide range of human rights issues in Ukraine, mostly in connection with the consequences of Russia's full-scale invasion of Ukraine.

***Meeting with the President of the UN Human Rights Council***

On 8 February, the Commissioner had a meeting with the President of the UN Human Rights Council, Ambassador Václav Bálek, to exchange views on a number of topics, including the human rights consequences of Russia's invasion of Ukraine and the role of international organisations in ensuring accountability for serious human rights violations committed in this context.

***Meeting with the Ombudswoman of Catalonia***

On 16 February, the Commissioner met with Esther Giménez-Salinas i Colomer, Ombudswoman of Catalonia, Spain. They discussed about their respective priorities and recent developments in the field of human rights in Catalonia.

***Meeting with the National Consultative Commission for Human Rights of France***

On 3 March, the Commissioner met with Jean-Marie Burguburu and Magali Lafourcade, respectively President and Secretary General of the National Consultative Commission for Human Rights of France. Discussions covered the cooperation between the two institutions as well as issues pertaining to surveillance; migration; repatriation, reintegration and rehabilitation of suspected terrorist fighters and their family members; and freedoms of expression, peaceful assembly and association.

***Meetings with the Defender of Rights of France***

On 5 April, the Commissioner met online with Claire Hédon, France's Defender of Rights to discuss the use of force in the context of policing the demonstrations against the pension scheme reform. The Commissioner and the Defender of Rights also met in Strasbourg on 24 May and exchanged views on issues pertaining to policing and human rights; the freedoms of peaceful assembly, of expression and of association; migration; human rights protection in France's overseas territories; and the repatriation, reintegration and rehabilitation of suspected terrorist fighters and their family members.

***Meeting with France's Ambassador for the rights of LGBT+ people***

On 25 April, the Commissioner met with Jean-Marc Berthon, France's Ambassador for the rights of LGBT+ people. They discussed their respective mandates and priorities in promoting equal rights for LGBTI people in Europe, with a focus on combating conversion practices, the legal protection of same-sex couples and the rights of transgender (trans) people.

***Meeting with Chair of the UN Committee on the Elimination of Discrimination against Women (CEDAW) and Vice President of the European Disability Forum***

On 25 April, the Commissioner met with Ana Pelaez Narvaez, Chair of the UN Committee on the Elimination of Discrimination against Women (CEDAW) and Vice President of the European Disability Forum, in Strasbourg. The discussions focused on issues related to women's rights and gender equality and the importance of upholding the human rights of women with disabilities.

***Meeting with the PACE delegation of Bosnia and Herzegovina***

On 26 April, the Commissioner met with members of the delegation of Bosnia and Herzegovina to PACE. They exchanged on several issues, including concerns relating to freedom of expression and association in the country.

***Meeting with PACE General Rapporteur on combating racism and intolerance***

On 26 April, in Strasbourg, the Commissioner met with MP Petra Bayr, PACE General Rapporteur on combating racism and intolerance and Rapporteur for a report on women human rights defenders. The discussions focused on issues hindering the rights of women human rights defenders due to their work and for being women and the importance of guaranteeing an enabling environment for their human rights work.

***Meeting with the Director of Human Rights Watch***

On 4 May, the Commissioner met with the new Director of Human Rights Watch, Tirana Hassan, in New York and discussed the human rights situation in Europe and the work to help improve it.

***Meeting with the Human Rights Defender (Ombuds) of Armenia***

On 10 May, the Commissioner met in Strasbourg with Anahit Manasyan, the Human Rights Defender (Ombuds) of Armenia. They exchanged on their respective priorities. They agreed to continue to co-operate on human rights issues of common interest.

***4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe***

The Commissioner took part in the 4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe, hosted by the Icelandic Presidency of Committee of Ministers on 16-17 May in Reykjavik (the Summit). In her [speech](#), the Commissioner reiterated the need to maintain focus on addressing human rights backsliding and the erosion of the principles of democracy and the rule of law. She called on member states to support and protect civil society, human rights defenders and national human rights institutions as crucial partners in ensuring the long-term effectiveness of the Council of Europe's human rights protection system.

***Exchange with international trainees organised by the Permanent Representation of the Netherlands***

On 22 May, the Commissioner addressed in Strasbourg a group of international trainees upon [invitation](#) by the Permanent Representation of the Netherlands to the Council of Europe. The discussions revolved around the work of the Commissioner and the human rights situation in Europe.

***Meeting with the Public Defender (Ombuds) of Georgia***

On 23 May, the Commissioner met in Strasbourg with the Public Defender (Ombuds) of Georgia, Levan Ioseliani. They exchanged on the priorities of the Ombuds and discussed the human rights situation in Georgia, in particular the freedoms of assembly and of expression, including of LGBTI people, and the situation of human rights defenders and civil society organisations.

### ***Meeting with the Venice Commission***

On 6 June, the Commissioner had an [exchange of views](#) with the Venice Commission, which focused on the complementarity and co-operation between the two mechanisms in addressing human rights backsliding and the erosion of democracy and the rule of law.

### ***Exchange with the European Commission against Racism and Intolerance (ECRI)***

On 28 June, the Commissioner had an [exchange of views](#) with the European Commission against Racism and Intolerance (ECRI). The discussions addressed the human rights consequences of Russia's war against Ukraine; the rights of Roma and Travellers; the rights of refugees, asylum seekers and migrants, including the issue of integration; the rights of LGBTI persons; the regulation of artificial intelligence; and the situation of human rights defenders. The importance of committing to the implementation of the judgments of the European Court of Human Rights was further stressed.

### ***3<sup>rd</sup> edition of the high-level conference on the Global State of Human Rights***

On 14 and 15 July, the Commissioner [participated](#) in the third edition of the high-level conference on the Global State of Human Rights, organised by the Global Campus of Human Rights and Right Livelihood in Venice. She spoke at the opening event entitled "Towards a new era for human rights" and in a Roundtable on "A human rights strategy to overcome today's global and regional crises".

### ***Bled Strategic Forum 2023***

On 28 and 29 August, the Commissioner joined the Bled Strategic Forum 2023 in Slovenia, where she held a number of bilateral meetings, including with Mariya Gabriel, Deputy Prime Minister and Minister of Foreign Affairs of Bulgaria; Ararat Mirzoyan, Minister of Foreign Affairs of Armenia; Borjana Krišto, [Chairwoman](#) of the Council of Ministers of Bosnia and Herzegovina; and Dominika Švarc Pipan, Minister of Justice of Slovenia; Samuel Žbogar, State Secretary for Political and Multilateral Affairs, Economic Diplomacy and Development Cooperation of Slovenia; Lord Ahmad of Wimbledon, Minister of State for the Middle East, North Africa, South Asia and United Nations at the Foreign, Commonwealth and Development Office of the United Kingdom; Christian Schmidt, High Representative for Bosnia and Herzegovina; Petra Roter, President of the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities; and Robert Ivanschitz, Associate General Counsel, Corporate External Legal Affairs at Microsoft (see 'Country work – meetings with authorities' section above). The Commissioner participated in the [presidential panel](#), moderated by the President of Slovenia, Nataša Pirc Musar, on youth and the Western Balkans and in that context, she stressed the urgent need to ensure better access to rights for young people in the region. She called on political leaders to address the root causes of the violence of the 1990s and halt the transmission of past tensions to future generations, emphasising the importance of investing in inclusive and integrated education systems and in human rights-based memorialisation policies. Young people should be given effective opportunities to participate in all relevant societal processes, including the fight against corruption, regional co-operation issues and dealing with the past.

### ***Council of Europe Secretary General's Exchange of Views with Civil Society***

On 15 September, the Commissioner's Office attended the Council of Europe Secretary General's first regular [exchange of views](#) with civil society, which took place in Strasbourg on the occasion of International Day of Democracy.

### ***Meeting with the Swedish PACE delegation***

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

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

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

### ***High-level Discussion Panel at Austrian Institute for International Affairs***

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

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

Speaking at the International Club of the Foreign Policy and United Nations Association of Austria in Vienna on 6 December, the Commissioner highlighted concerns about the erosion of the rule of law, the rise of nationalist movements and the dehumanisation of vulnerable groups such as migrants, asylum seekers, refugees and the LGBTI community. She also warned against the resurgence of discrimination, racism and xenophobia, the challenges faced by women and girls, and the shrinking civic space. She called for a renewed commitment to human rights principles and norms, emphasising the role of state authorities, society, business, the media and the human rights community in upholding them.

### ***International Conference Freedom or Fear dedicated to the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights***

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

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

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

### ***Meeting with the President of the ICRC***

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



### ***Paris Nanterre University International Colloquy for the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights***

On 22 December, the Commissioner participated online in an [international colloquy](#) (‘Universal Declaration of Human Rights, a “social contract” for today’s world’) organised by the Paris Nanterre University in celebration of the 75<sup>th</sup> anniversary of the UDHR. Speaking in a panel on the promotion and protection of human rights discourse, she [outlined](#) the progress in the period since the adoption of the Declaration and the challenges ahead, calling for a renewed commitment to human rights from all actors involved.

## **7 SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

### ***European Court of Human Rights’ Solemn Hearing for the Opening of the Judicial Year***

On 27 January, the Commissioner attended the solemn hearing of the European Court of Human Rights to mark the opening of the judicial year during which the President of the Court and the President of the Constitutional Court of Italy addressed representatives from the highest courts of the 46 member states of the Council of Europe and from local, national and international authorities.

#### ***Third-party interventions***

On 27 September, the Commissioner delivered oral [remarks](#) at a Grand Chamber hearing held by the European Court of Human Rights in the case of *Duarte Agostinho and Others v. Portugal and 32 Others* relating to the negative impact of climate change on human rights, particularly those of younger generations. The Commissioner had already submitted written observations to the Court on this case in May 2021. In her oral remarks, the Commissioner stressed that climate change-related environmental degradation had a devastating impact on the enjoyment of human rights and that this impact was particularly detrimental to children and young people’s physical and mental health, to their civil, political, and social rights and to their dignity. The Commissioner observed that climate change-related applications provided the Court with a unique opportunity to continue to forge the legal path towards a more complete implementation of the Convention, and to provide an appropriate legal forum to address existential human rights questions related to climate change. She stressed that the European Convention on Human Rights, interpreted as a “living instrument”, provided a solid legal framework to ensure real-life protection to victims of human rights violations resulting from environmental degradation and climate change.

### ***Communications to the Committee of Ministers regarding the supervision of the execution of judgments of the European Court of Human Rights***

The Commissioner can address communications to the Committee of Ministers of the Council of Europe, which supervises the execution of judgments of the European Court of Human Rights. Pursuant to Rule 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments, in 2023 the Commissioner used this possibility in two cases.

On 12 May, the Commissioner published her [communication](#) on the execution of the *Sejdić and Finci v. Bosnia and Herzegovina* group of judgments of the European Court of Human Rights, which relates to discrimination against the applicants on account of their ineligibility to stand for elections to the Presidency and the House of Peoples of Bosnia and Herzegovina due to their lack of affiliation with a constituent people (i.e. Bosniaks, Croats or Serbs) or their failure to meet a combination of the requirements of ethnic origin and place of residence. The Commissioner expressed her concern that, fourteen years since the Grand Chamber delivered its first judgment in this group of cases, the discriminatory provisions remain in the Constitution and electoral legislation, preventing many citizens from the enjoyment, on an equal footing, of their fundamental democratic rights. She underlined that any constitutional or legislative changes should fully comply with the Court’s judgments and lead to the full elimination of ethnic discrimination from both the Constitution and the electoral legislation. The Commissioner stressed that it



was imperative that the authorities place focus on building a state based on the equality of citizens, rather than on further embedding ethnic discrimination in the Constitution and the electoral legislation.

On 24 October, the Commissioner published her [communication](#) on the execution of the judgments delivered by the European Court of Human Rights in the *Identoba v. Georgia* group of cases, which relates to discrimination and manifestations of intolerance towards LGBTI people and religious and other minority groups, as well as their right to freedom of assembly and expression. In her submission, the Commissioner considered that the response given by the authorities to the repeated occurrence of discrimination and manifestations of intolerance towards these minority groups had failed to address the broad spectrum of underlying reasons behind such manifestations and called on the authorities to implement the six recommendations relating to this matter set out in the [report](#) following her visit to Georgia in February 2022.

### **Promotion of the European Convention of Human Rights and of its Court's case-law**

In the course 2023, the Commissioner also contributed to the effective implementation of the European Convention on Human Rights at national level by drawing the attention of several member states to practices, legislation or reforms weakening the human rights protection provided by the Convention and the case-law of the European Court of Human Rights, including in a [letter](#) to the House of Commons and the House of Lords on the British “Illegal Migration Bill” (see under ‘Country work – Continuous dialogue’) or by raising questions regarding their compliance with the Convention and the Court’s jurisprudence. This was done through recommendations specifically referring to case-law requirements in the reports following her visits to the [Czech Republic](#), [Spain](#), [Serbia](#), in her letters to the authorities of [Azerbaijan](#), [Greece](#), [Ireland](#), [Italy](#), [Latvia](#), [North Macedonia](#), and in her statements on [France](#), [Lithuania](#), [Slovakia](#) and the [United Kingdom](#) (see under ‘Country work – Continuous dialogue’).

During the period covered, the Commissioner also published Recommendations on [artificial intelligence and human rights](#) explicitly calling on member states to abide by the Convention and the case-law of the Court (see under ‘Thematic activities – artificial intelligence and human rights’).

## **8 COMMUNICATION AND INFORMATION WORK**

In 2023, the Commissioner's work continued to garner significant attention, with leading national and international media outlets and social media platforms featuring nearly 1,200 news articles. The focus of this media coverage predominantly revolved around the Commissioner's activities in key areas such as migration, freedom of assembly, transitional justice, the rights of LGBTI individuals, and the support for Human Rights Defenders.

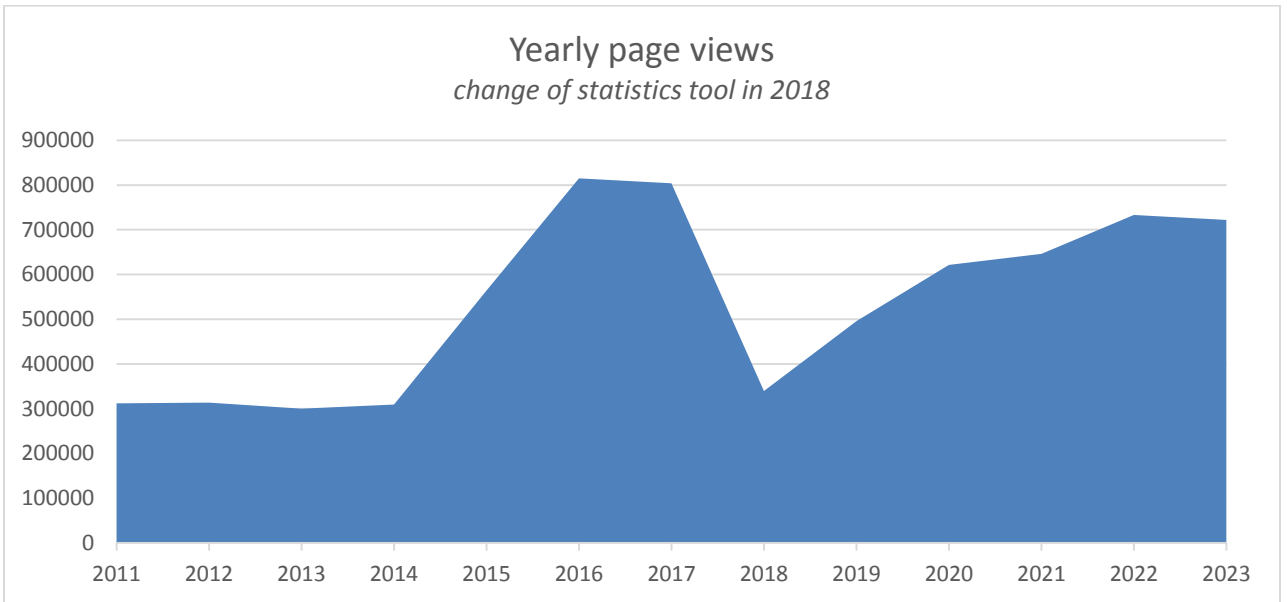
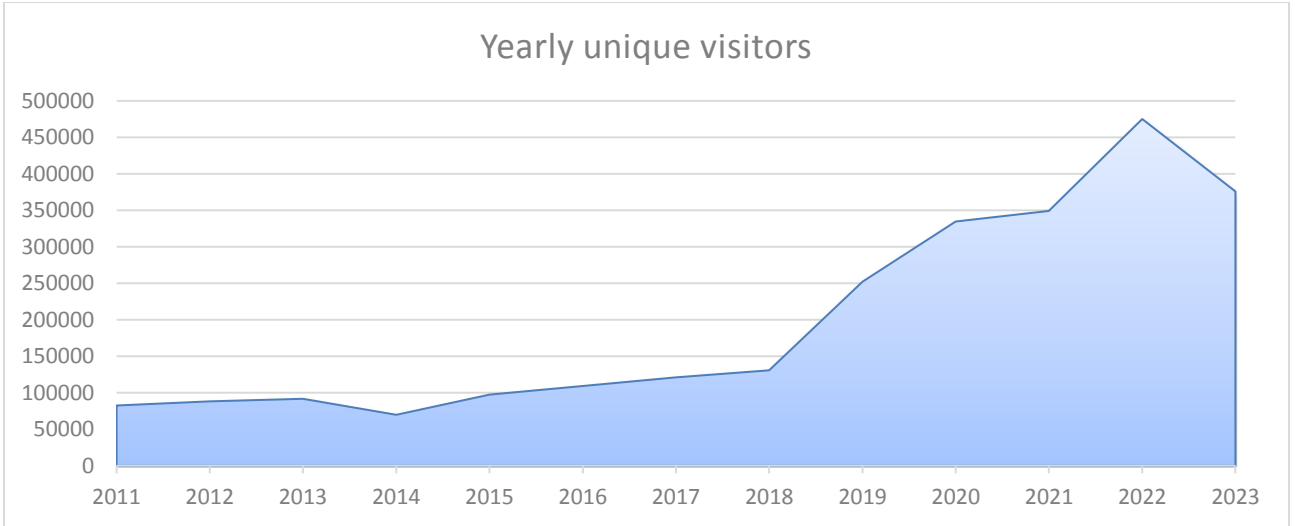
### **Human Rights Comments**

Three Human Rights Comments were published in 2023 covering environmental human rights defenders, the impact of spyware on human rights and LGBTI people’s rights.

- [Highly intrusive spyware threatens the essence of human rights](#) (27 January)
- [Nothing to cure: putting an end to so-called “conversion therapies” for LGBTI people](#) (16 February);
- [Crackdowns on peaceful environmental protests should stop and give way to more social dialogue](#) (2 June).

### **Website**

The Commissioner's website attracted over 376,000 unique visitors. While this represents a 10% decrease from the preceding year, it stands as the second-highest annual visitation result since 2011 and the website maintained a strong digital presence with a total of almost 722,000 page views, only slightly lower than the 2022 metrics.

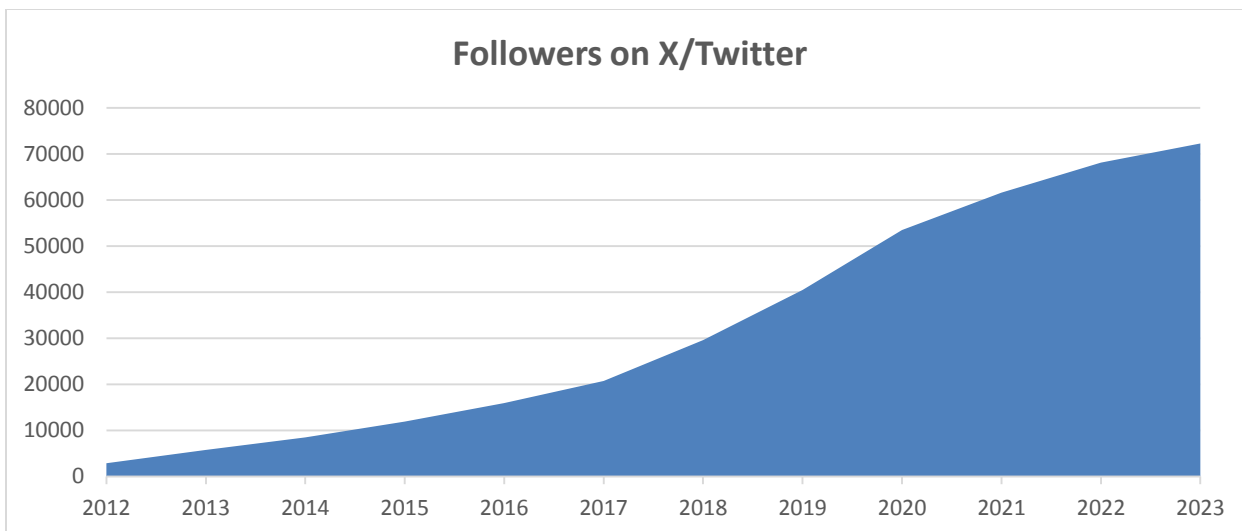


The top five news read on the Commissioner's website regarded comprehensive sexuality education, violence against women and girls, the Paris Principles for National Human Rights Institutions, Holocaust remembrance, and the rights of women and girls with disabilities.

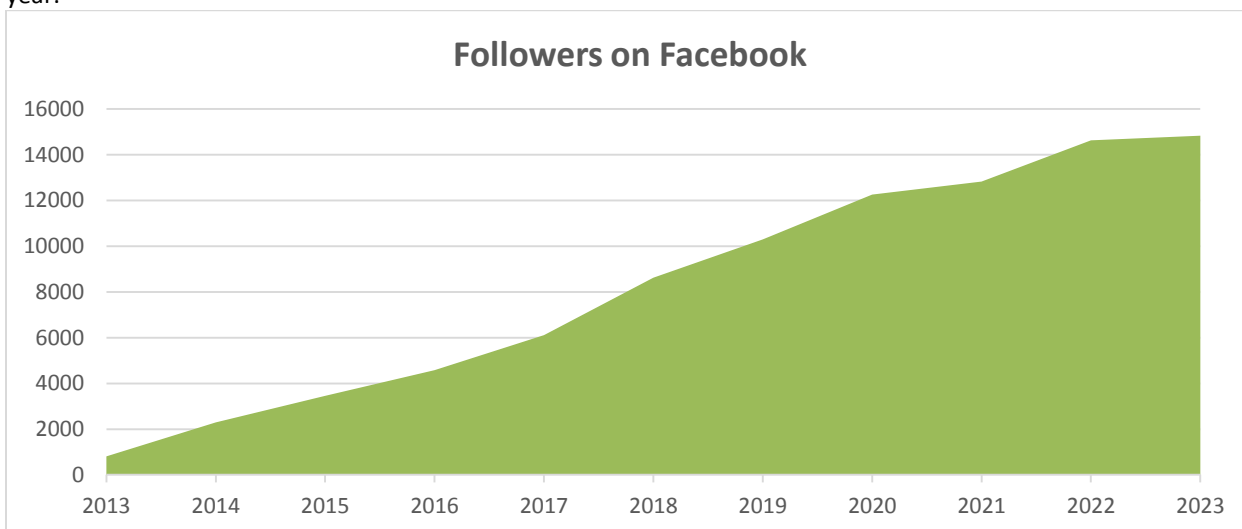
The most visited sections of the website were the Commissioner's profile page, thematic pages on media freedom and artificial intelligence, and the pages on the Commissioner's human rights comments, and work on Human Rights Defenders.

**Social Media Outreach**

As of 15 December, the Commissioner's presence on X (former Twitter) remained influential. A total of 169 tweets generated 2,273,100 impressions, contributing to an increase of 4,278 new followers. This brought the total follower count to 72,406, marking a significant growth (6.28%) compared to 2022. The engagement rate on these posts averaged around 3%, indicating active interaction from the audience.



On Facebook, the Commissioner's 148 posts reached 43,505 individuals, garnering 406 new page likes and 201 new followers. By the end of the year, the total follower count stood at 14,837, an increase of 1.35% from the previous year.



## 9 STAFF AND BUDGET

In 2023, the total number of permanent posts in the Commissioner’s office remained at 27 posts (19 A-grade posts and 8 B-grade posts). The Office employed five temporary staff members financed by the ordinary budget. The ordinary overall budget appropriations were of €3,869,200 which represents 1.5% of the total ordinary budget.

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

## APPENDIX

### List of office activities in 2023

#### A. Visits, missions and reports

In 2023 the following country visits and missions were carried out:

20 to 24 February	Czech Republic
26 February to 1 March	Ukraine
13 to 17 March	Serbia
30 May to 2 June	Denmark
19 to 23 June	Italy
30 June to 3 July	Georgia
16 to 23 October	Armenia and Azerbaijan
27 November to 1 December	Germany
4-7 December	Romania

In 2023, the following country reports and letters were published:

##### *Italy*

- [Letter](#) from Council of Europe Commissioner for Human Rights to Minister of the Interior Matteo Piantedosi on NGO search and rescue operations at sea (dated 26 January 2023 and published on 2 February 2023).

##### *Latvia*

- [Letter](#) from Council of Europe Commissioner for Human Rights to Minister of the Interior Māris Kučinskis on pushbacks at Latvia’s border with Belarus (dated 27 January 2023 and published 6 February 2023).

##### *Georgia*

- [Letter](#) from Council of Europe Commissioner for Human Rights to Chairman of the Parliament Shalva Papuashvili on draft law “on transparency of foreign influence” (dated 22 February 2023 and published on 28 February 2023).

##### *United Kingdom*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Speaker of the House of Commons of the United Kingdom Parliament, Rt Hon Sir Lindsay Hoyle MP and to the Lord Speaker of the House of Lords of the United Kingdom Parliament, Rt Hon the Lord McFall of Alcluith on the “Illegal Immigration Bill” (dated 24 March 2023 and published on 27 March 2023).

##### *Ukraine*

- [Report](#) on the human rights situation of Crimean Tatars (published on 18 April 2023).

##### *Slovak Republic*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Speaker of the National Council, Miroslav Kollár; to the Chairperson of the Constitutional and Legal Affairs Committee, Milan Vetrák; and to the Chairperson of the Public Administration and Regional Development Committee of the National Council of the Slovak Republic on the situation of LGBTI people (dated 19 April 2023 and published on 25 April 2023).

##### *Spain*

- [Report](#) by Council of Europe Commissioner for Human Rights following her visit to Spain from 20 to 25 November 2022 (published on 10 May 2023 with reference CommHR(2023)9).

*Ireland*

- [Letter](#) from Council of Europe Commissioner for Human Rights to Prime Minister, Leo Varadkar; the Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman; and the Minister for Housing, Local Government and Heritage, Darragh O’Brien, on reception and accommodation for international protection applicants (dated 17 May 2023 and published on 26 May 2023).

*Slovak Republic*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Speaker of the National Council, Boris Kollár; to the Chair of the Healthcare Committee of the National Council, Marek Krajčí; to the Chair of the Constitutional Affairs Committee of the National Council, Milan Vetrák; and to the Vice-Chair of the Committee on Human Rights and National Minorities of the National Council, Peter Pollák, on a compensation mechanism for victims of forced sterilisation (dated 6 June 2023 and published on 12 June 2023).

*Bosnia and Herzegovina*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Mayor of the municipality of Prijedor, Slobodan Javor; to the President of the City Assembly of the municipality of Prijedor, Igor Kneginjić and to the Vice-President of the City Assembly of the municipality of Prijedor, Azra Pašalić on the memorial to children killed in 1990s (dated 27 June 2023 and published on 6 July 2023).

*North Macedonia*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Speaker of the Parliament of North Macedonia, Talat Xhaferi; to the Chairperson of the Committee on the Political System and Inter-ethnic Relationships, Sonja Mirakovska; to the Chairperson of the Legislative Committee, Snezana Kaleska-Vancheva; and to Parliamentary Rapporteur for law proposal (no. 08-3221/1), Maja Morachanin, on legal gender recognition for transgender (trans) people (dated 4 July 2023 and published on 7 July 2023).

*Azerbaijan*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Minister of Internal Affairs of Azerbaijan, Vilayat Suleyman oglu Eyvazov, on policing of environmental protests (dated 13 July 2023 and published on 24 July 2023).

*Greece*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Prime Minister of Greece, Kyriakos Mitsotakis, on the legal obligation to conduct effective investigations into the Pylos shipwreck (dated 19 July 2023 and published on 28 July 2023).

*Bosnia and Herzegovina*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the President of the National Assembly of Republika Srpska, Nenad Stevandić, on the Draft Law on Special Registry and Transparency of the Work of Non-Profit Organisations (dated 18 September 2023 and published on 1 September 2023).

*Czech Republic*

- [Report](#) by Council of Europe Commissioner for Human Rights following her visit to Czech Republic from 20 to 24 February 2023 (published on 26 September 2023 with reference CommHR(2023)26).

*Serbia*

- [Report](#) by Council of Europe Commissioner for Human Rights following her visit to Serbia from 13 to 17 March 2023 (published on 28 September 2023 with reference CommHR(2023)25).

*Malta*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Prime Minister, Robert Abela, on freedom of expression (dated 26 September and published on 6 October 2023).

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Speaker of the House of Representatives of Malta, on freedom of expression (dated 26 September and published on 3 October 2023).

#### *Denmark*

- [Report](#) by Council of Europe Commissioner for Human Rights following her visit to Denmark from 30 May to 2 June 2023 (published on 16 November 2023 with reference CommHR(2023)38).

#### *Finland*

- [Letter](#) from Council of Europe Commissioner for Human Rights to the Minister of Interior of Finland, Mari Rantanen, concerning asylum and migration in the context the full closure of Finland’s Eastern land border (dated 4 December and published on 11 December 2023).

#### *Italy*

- [Report](#) by Council of Europe Commissioner for Human Rights following her visit to Italy from 19 to 23 June 2023 (published on 14 December 2023 with reference CommHR(2023)37).

### **B. System of the European Convention 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 and participated in a Grand Chamber hearing the following cases:

- [Rule 9 submission in the \*Sejdić and Finci\* group of judgments of the European Court of Human Rights](#), submitted on 24 April 2023 and published on 12 May 2023 with reference CommHR(2023)13;
- [Oral submission](#) to ECtHR Public hearing on *D. Agostinho and others v. Portugal* (27 September)
- [Rule 9 submission in the \*Identoba and Others v Georgia\* group of judgments of the European Court of Human Rights](#), submitted on 24 October 2023 and published on 14 November with reference CommHR(2023)35.

### **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 2023, the Commissioner’s office organised an exchange of views with national human rights structures on artificial intelligence and human rights, Amsterdam (30-31 March).

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

The Commissioner or her Office took part in the following main events during 2023:

- 10<sup>th</sup> meeting of the Chairs of the monitoring and advisory bodies of the Council of Europe (17 January);
- Conference on “Advancing the human rights of intersex people”, hosted in the framework of the Presidency of Iceland of the Committee of Ministers, organised by the SOGI Unit in cooperation with the Permanent Representation of Iceland to the Council of Europe, Strasbourg (26 January);

- Solemn Hearing for the Opening of the Judicial Year of the European Court of Human Rights (27 January);
- Meeting of Bureau of the European Network of Ombudspersons for Children (31 January);
- Conference “Online safety and digital empowerment of women journalists” organised by Permanent Missions of Austria, Czech Republic and Slovak Republic to the United Nation, New York (9 March), (video message);
- Council of Europe -Federation of Journalists Workshop of Belarusian journalists in exile (21 March);
- EU COSCE Working Party study visit, Strasbourg (23 March);
- EU Roma Week CHACHIPEN Final Conference 'History, Memory and Justice for Roma in Europe', Brussels (25 April), (video message);
- World Press Freedom Day 2023 Media Freedom Coalition High-level panel of Legal Experts on Media Freedom, New York (1 May);
- UNESCO World Press Freedom Day event, New York (2 May)
- IDAHOT+ Forum 2023, Reykjavik (11 May) (video message);
- 4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe, Reykjavik (16-17 May);
- OII Europe Community Event and Public Conference, Paris (26 May) (video message);
- Conference “UA: War. Unsung Lullaby” organised by the Office of the Ukrainian Parliament Commissioner for Human Rights jointly with the Office of the President of Ukraine, Kyiv (31 May) (video message);
- International Press Institute 2023 World Congress, Vienna (25-26 May);
- Meeting with 'Marianne Initiative' 2023 laureates, Strasbourg (5 June);
- Exchange of views with Venice Commission, Venice (9 June);
- Exchange of views with ECRI Plenary, Strasbourg (28 June);
- 2<sup>nd</sup> Annual Tbilisi Women’s International Conference, Tbilisi (1 July);
- Keynote address at the opening event of Pride week , Tbilisi (2 July);
- Social Rights Committee Seminar on the occasion of the 25<sup>th</sup> anniversary of the Collective Complaint Procedure, Strasbourg (6 July);
- Srebrenica Collective Memory Conference organised by the Srebrenica Memorial Center and the World Jewish Congress, Srebrenica (10 July 2023) (video message);
- 3<sup>rd</sup> Conference on the Global State of Human Rights, Venice (14-15 July);
- European Parliament LIBE Public Hearing on “An EU approach on banning ‘conversion practices’ for LGBTIQ+ persons”, Strasbourg (18 July);
- Bled Strategic Forum 2023, Bled (28-29 August);



- Council of Europe Secretary General’s Exchange of Views with Civil Society, Strasbourg (15 September);
- EDRi online event on “Encryption in the age of surveillance”, (26 September);
- Regional consultation convened by the United Nation Population Fund (UNFPA) together with the Georgian authorities and the Academic Network for Sexual and Reproductive Health and Rights Policy (ANSER) on implementation of different measures aimed at accelerating progress on sexual and reproductive health in Eastern Europe and Central Asia, Tbilisi (26-27 September);
- Regional consultation on "Accelerating progress on SRH in Eastern Europe and Central Asia", Tbilisi (28 September);
- 10<sup>th</sup> year commemoration of the 3 October shipwreck in Lampedusa (3 October), (video message);
- Conference “The Pen is Mightier than the Sword? Meeting today’s challenges to freedom of expression and the safety of journalists”, organised under the Latvian Presidency of the Committee of Ministers, Riga (5 October);
- Exchange of views with Platform for the safety of journalists, Riga (5 October);
- ENNHRI 10<sup>th</sup> anniversary conference “Advancing human rights, democracy and rule of law at a critical time in Europe: the role of NHRIs and ENNHRI”, Brussels (10 October);
- Columbia Harriman Institute online event on “The Corrosive Effect of Genocide Denial in Post-Genocide Societies”, New York (10 October);
- Exchange of views with PACE Committee on Legal Affairs and Human Rights, Strasbourg (12 October);
- Joint hearing of the PACE Committee on Equality and Non-Discrimination and PACE Parliamentary platform for the rights of LGBTI people in Europe on banning conversion practices for LGBTI people, Strasbourg (12 October);
- Exchange of views at the Plenary Meeting of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), Strasbourg (13 October);
- European Network Against Racism (ENAR AISBL) and the Greek Forum of Migrants (GFM) workshop in solidarity with civil society and human rights defenders in Greece, Athens (17 October);
- OHCHR Europe and North America regional meeting on transitional justice, Geneva (18 October);
- ICPD30 Conference “Population and Development: Ensuring Rights and Choices”, Geneva (19-20 October);
- 14<sup>th</sup> Warsaw Human Rights Seminar, Warsaw (24 October);
- ILGA Annual Conference 2023, Ljubljana (25 October);
- Lyra McKee Memorial Lecture, online (1 November);
- CDBIO Conference on “Promoting autonomy in mental healthcare”, Riga (14 November), (video message);
- 12<sup>th</sup> United Nations Forum on Business and Human Rights, Geneva (27-29 November);
- 16<sup>th</sup> session of the UN Forum on Minority Issues, Geneva (30 November – 1 December);

- Geneva Centre for Security Sector Governance (DCAF) Cyber Talk on ‘Online actions, offline harms: Case studies on Gender and Cybersecurity in the Western Balkans’ (17 November), (podcast);
- Austrian Institute for International Affairs high-level Discussion Panel on “Human Rights in a multi-aligned world: how to counter challenging narratives and restore universalism?”, Vienna (5 December);
- Foreign Policy and United Nations Association of Austria “International Club” event series lecture, Vienna (6 December);
- Conference “Freedom or Fear” dedicated to the 75th anniversary of the Universal Declaration of Human Rights organised by Ukrainian Parliamentary Commissioner (Ombudsman), Kyiv (7 December) (video message);
- Inaugural meeting of the International Coalition of Countries for the return of Ukrainian children, Kyiv (8 December) (video message);
- Commemoration at Memorial Site of Bergen-Belsen, Bergen-Belsen (8 December);
- Human Rights 75 High-level hybrid event for the 75<sup>th</sup> anniversary of Universal Declaration of Human Rights, Geneva (11-12 December);
- Stanford University Cyber Policy Center “Artificial Intelligence and International Human Rights” Virtual Workshop (12 December);
- Workshop “75 anniversary of the Universal Declaration of Human Rights: human rights for all?” organized by the Federal Institute for the Protection and Promotion of Human Rights, Brussels (18 December);
- International conference on the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights hosted by Paris Nanterre University, Paris (December 22).