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## Exchange of views with PACE Standing Committee

**Introductory Remarks by Dunja Mijatović**  
Council of Europe Commissioner for Human Rights

Strasbourg, 13 October 2020

Dear PACE members,

It is a pleasure to meet with you today, although only from cyberspace. I would have preferred to get together with you last April at your plenary session to discuss my annual report. Regrettably, the pandemic made it impossible and I was only able to circulate my report without a discussion. I trust you have had a chance to read it, and I will be happy to answer any questions you may have about it later. Instead of going through the activity report, I would today like to focus on pressing human rights issues related to the COVID-19 pandemic and the measures adopted to cope with it.

During this Standing Committee meeting you are going to discuss four reports linked to the impact of COVID-19 on human rights, democracy, the rule of law, migrants, gender equality and discrimination. I consider these reports very timely.

The COVID-19 pandemic has put a strain on the functioning of our democracies and has exacerbated long-standing human rights problems. Some emergency decrees, often adopted without parliamentary debates, have had a disproportionate impact on particular groups of people.

The case of **older persons** is emblematic. In many of our member states they have paid the highest toll, not only due to the health vulnerability associated with age, but also on account of the bad management of the health crisis, including neglect, abuse and lack of preparedness in long-term care facilities. Those living independently also suffered because of the lockdown measures that further isolated them from their families and the rest of the community, and little was done to limit or reduce this suffering.

These issues predate the pandemic. They are the result of structural failings that have been neglected over the years.

The human rights of **migrants** have also been disproportionately affected by the measures adopted to contain the spread of COVID-19. Migrants in distress at sea have found themselves in an even more precarious situation, as if that were possible. Member states have become even more reluctant to carry out rescues. Disembarkation of survivors has often been delayed for prolonged periods, including for lack of solidarity, thus endangering the health and lives of the migrants and those who rescued them.

The pandemic also seems to have reinforced member states' already strong tendency to ensure that asylum seekers and migrants arriving irregularly are kept out at all costs, even when this entails clear violations of the right to apply for asylum, of freedom from ill-treatment, and of the prohibition of collective expulsions. Reports of pushbacks have become even more frequent, and the way they are being carried out is more blatant, while governments have often proved unwilling to investigate credible allegations.

The pandemic has also put a magnifying glass on continuing **violence against women, gender inequalities and barriers in women's access to sexual and reproductive health care**. The lockdowns imposed in several European countries placed women at greater risk of gender-based violence, in particular domestic violence and sexual violence. Women's access to sexual and reproductive health and rights has also continued to be hindered by pre-existing and new barriers, such as the sometimes high cost of contraception, economic difficulties or limited freedom of movement.

In several European states there have been reports of harmful practices imposed on women in childbirth, medically unjustified separations of mothers and new-born babies, refusal of a birth companion's presence and other failures to ensure adequate standards of care and respect for women's rights, dignity and autonomy in childbirth. These practices, as well as legislative initiatives that may undermine women's human rights, are still being implemented in a number of countries and may impede women's access to sexual and reproductive health and rights.

An additional problem, which predates the COVID-19 pandemic but has somehow gained momentum during the health emergency, is that some countries are still opposed to ratification of the **Istanbul Convention**, while others have threatened to leave it. This would be a terrible setback for the fight against domestic violence and violence against women. Instead of going down this path, states must take constructive steps, including in parliament, towards ratifying the convention, if they have not done so yet, and also towards fully implementing it and raising awareness about it.

The COVID-19 pandemic has been an accelerator of the problems we were already facing but were refusing to address. We now have no excuses. We can no longer procrastinate in realising **human rights for all**. The many present and future challenges facing our societies require that we strengthen the place that human rights hold within them.

A critical point is that we need more **equality**. We have not all been equal in the face of the pandemic. Those who were poor before it have become poorer; those who were disadvantaged have faced even greater disadvantages. Although different kinds of problems have been affecting different groups of people, such as older persons, persons with disabilities, women, children, Roma, detainees, migrants, LGBTI people and media professionals, they all share a common denominator: their rights were already undermined before the pandemic.

You have a crucial role to play in reversing the current trend. Your knowledge of the Council of Europe's standards can be instrumental in reinforcing human rights. At national level, you are fundamental democratic players active in ensuring the government's public accountability and legislating in accordance with human rights law. You have a huge responsibility to ensure that the laws and measures adopted to tackle COVID-19 do not outlast the emergency.

I also encourage you to give more consideration to the role of **National Human Rights Institutions, Ombudsman institutions and Equality Bodies**, strengthen their ability to continue their work and heed their advice and recommendations to ensure a human rights compliant response not only to the pandemic, but also more broadly to the challenges confronting our democratic society.

You also have a key impetus to give to **international cooperation**. No country can solve on its own the complex and global human rights challenges we are facing. We need more multilateralism and more respect for agreed international human rights standards so as to find common solutions to common problems.

If I had to choose one lesson from the COVID-19 pandemic, it is that we all must work with more resolve to mend the cracks in our human rights protection systems and make sure we come out of this difficult time stronger and more united.

You can count on me to help you contribute to this endeavour.