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Exchange of views with the European Commission against Racism and Intolerance (ECRI)

On-line speech by Dunja Mijatović
Council of Europe Commissioner for Human Rights

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Ladies and Gentlemen,

It is a pleasure and honour for me to meet with you today. There is much to share, and I look forward to discussing how we can complement and reinforce each other's work for increased impact.

Our meeting takes place in special circumstances, which affect people across Europe and beyond. With the onset of the **COVID-19 pandemic**, the painful truth of inequalities, discrimination and intolerance that still afflict our societies became all the more obvious.

I have addressed a wide range of recommendations to our member states on the protection of vulnerable people such as those living in long-term care institutions, including older people and persons with disabilities, prisoners, and migrants and asylum seekers held in closed centres.

I called on our member states to release asylum seekers and migrants to the maximum extent possible and [urged](#) them to continue saving lives at sea and disembarking survivors in a safe port. In my recent [report](#) on migrant protection in the Mediterranean, I stressed that the pandemic is not an excuse to let people drown, detain them for an indefinite time, or return them to countries where they face grave violations of their rights.

For many Roma, lack of water and poor living conditions continue to make the observance of COVID-19 prevention measures more difficult. Unfortunately, many politicians accused Roma people of being a threat to public health. I [urged](#) them to refrain from such scapegoating and called on governments to ensure that Roma and Travellers benefit from the same access to information about the pandemic as others and from basic sanitation, first and foremost clean water.

More generally, I called on the authorities of member states to remain watchful of racist, xenophobic, or stigmatising acts in the context of the pandemic and to speak out against discrimination and hate speech.

LGBTI people also face highly negative impacts, such as delayed access to health care, increased exposure to domestic violence, economic and social hardship, and isolation. LGBTI human rights defenders' ability to carry out human rights advocacy has also been weakened and many of their organisations had to redirect their work toward humanitarian assistance to members of the community. In a joint statement with the UN Independent Expert on Sexual Orientation and Gender Identity I [called](#) on member states to better take into account the experience and needs of LGBTI people in their response to the pandemic.

Already at the beginning of the pandemic, I [identified](#) access to health care for all population groups based on sound medical evidence as a priority. My [Issue paper](#) on "Protecting the right to health through inclusive and resilient health care for all", published last month, highlights the dire effects of discriminatory practices and structural inequalities on the health outcomes of vulnerable groups and the importance of

addressing the inequalities embedded in the essential social determinants of health: social protection, education, working conditions and overall living standards. We have now arrived at the phase in which vaccination programmes are being rolled out in our member states. A fair and equitable access to, and distribution of vaccines and medicines, not only within each member state, but across Europe and globally, is vital. Member states should now pay attention to the effective inclusion of Roma and other minorities, as well as migrants and refugees, in the vaccination process and ensure their equal access to treatment.

Apart from these issues, I believe we are equally concerned about the growing spiral of intolerance in Europe, sometimes manifested in the most extreme ways, as outlined also in your annual report for 2020.

Antisemitism – Last year we marked [75 years](#) since the liberation of the concentration camp and extermination centre of Auschwitz-Birkenau. Yet, despite important legal and institutional achievements, there is a well-documented increase of antisemitic manifestations across our continent. I called on several occasions on our member states to strengthen their efforts to fight these and to invest more in human rights education.

Islamophobia – Muslim communities continue to be stigmatised and scapegoated. In several events and in publications issued around the annual commemorations of the [Srebrenica genocide](#), I raised concern about the resurgence of nationalistic movements which fuel anti-Muslim feelings and practices and the persistent hate speech against Muslims, not only by extremist groups, but also by mainstream politicians.

Roma – It would take very long to describe the hatred and the multiple forms of discrimination faced by Roma. In my country work on [Bulgaria](#), the [Republic of Moldova](#), [Ukraine](#), and [Portugal](#), I focused on forced evictions and the increasing hostility and mob violence against Roma, including attacks against their settlements. I also called on the [Albanian](#) authorities to ensure the full inclusion of all Roma children in mainstream education. I further addressed these issues in two “[Rule 9](#)” submissions regarding the execution by [Bulgaria](#) and the [Czech Republic](#) of judgments delivered by the European Court of Human Rights. I also urged the [Czech](#) authorities to establish quickly a fair and adequate compensation for victims of coercive sterilisations.

There is a historical backdrop to this situation, which should not be ignored. I have [insisted](#) on the need for truth and reconciliation mechanisms to be put in place to deal with the legacy of past human rights violations against Roma. I also [stressed](#) that the lack of substantial and lasting change in the daily lives of Roma is largely due to insufficient commitment to combating racism and discrimination against them.

LGBTI people – The human rights of LGBTI people has been one of my core priorities since I started my mandate. There are considerable differences between our member states in this area, but we can note some general trends which show a downturn in the acceptance of LGBTI people and the respect for their rights across Europe. These include the stigmatisation of LGBTI people by some politicians, bans or attacks on Pride marches, hate speech, anti-transgender rhetoric, and an increasing influence of movements that seek to undermine family rights, comprehensive sexuality education and the rights of transgender people.

A lot of my work centred on countering these negative trends. For example, I expressed concern over the hostility and threats against LGBTI people in [Georgia](#), including the attempts to hinder the Tbilisi Pride march. In my report on the [Republic of Moldova](#) I focused on anti-LGBTI hate speech, particularly by politicians. Regarding [Armenia](#), I raised concern about the prevailing homophobia and transphobia and the attempts to adopt a law prohibiting “propaganda of homosexuality”. In response to the widespread stigmatisation of LGBTI people in [Poland](#), including the adoption of charters declaring “LGBTI-free zones” at local levels, I called on public officials and opinion makers to stop promoting hate vis-à-vis LGBTI people and warned that hate speech carries a real risk of legitimising violence. I also urged the [Hungarian](#) parliament not to adopt legislation which eventually made legal gender recognition impossible and expressed concern about constitutional amendments that escalated the stigmatisation of LGBTI people.

There continue to be gaps in the protection of LGBTI people against discrimination, hate speech and hate crimes in the legislations of our member states. I submitted two third-party interventions in cases before the European Court of Human Rights concerning the lack of a legal framework for the recognition of stable same-sex relationships or allowing persons of the same sex to marry, in [Romania](#) and [Poland](#). I understand that ECRI has started work for the preparation of a General Policy Recommendation on

combating discrimination against LGBTI people. I believe this will be a very important and timely contribution.

As you also noted in your country monitoring, there is a persistent problem of lack of **integration and inclusion** in our societies of certain groups, in particular migrants and refugees but also some ethnic, religious, and linguistic minorities. I believe inclusive language policies are very important, as I stressed in my [Human Rights Comment](#) on this topic in 2019.

Regarding the integration of refugees, during my country visits to [Greece](#) and [Hungary](#) I had the occasion to address various issues including long-term residence and access to citizenship, language courses, and access to the labour market. Family reunification is another crucial right and unjustified barriers to accessing it, such as maintenance requirements, or differences in the treatment of refugees and persons granted temporary protection status, should be lifted. I addressed these problems in my interventions before the Court, in cases concerning [Sweden](#) and [Denmark](#).

Another problem is the negative discourse and hate speech by politicians targeting migrants and refugees, which fuels prejudice and intolerance against them. It may also encourage severe abuses committed by vigilantes, as it happened in [Greece](#) in March last year and recently in [Bosnia and Herzegovina](#), or by law enforcement officials, as reported in [Croatia](#).

I already referred to the tragic deaths in the Mediterranean. This is a long-standing problem which shows a shocking disregard for the right to life and the inherent value of every person. I raised concern about this in my Recommendation "[Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean](#)", published in 2019, and with respect to incidents concerning [Malta](#) and [Italy](#). But in addition to saving lives, the reception and protection of those who arrive should be the shared responsibility of all member states, and I called on them to show true solidarity with coastal states.

There are also other issues, such as **ethnic profiling** – sometimes perpetuated by machine learning algorithms – and the increasing use of **artificial intelligence** in various fields, that require particular attention. I repeatedly [called](#) on our member states to prohibit ethnic profiling in the law, promote and strengthen access to remedies, and invest in public awareness and artificial intelligence literacy. My Recommendation "[Unboxing artificial intelligence: 10 steps to protect human rights](#)", published in May 2019, provides steps that national authorities can take to maximise the potential of AI systems and prevent or mitigate the negative impact they may have on people's lives and rights. I also discussed this topic with representatives of equality bodies and the EQUINET Network in Paris in September 2019, in a meeting organised in the margins on your 25th anniversary event, with the kind cooperation of your secretariat.

Turning now to our key partners, we both work closely with **equality bodies and other national human rights structures** and we must continue to support them. Recently, there have been concerns about the continuity and effectiveness of the Ombudsman institution in [Poland](#) and about the adequacy of efforts by the Ombudsman institution in [Hungary](#) to address certain human rights issues. However, generally our member states should pay more attention to ensuring that such structures have strong mandates, adequate resources to fulfil their roles, and that they are free from interferences in their work.

Human rights defenders are my other essential partners and supporting their work is at the heart of my mandate. I have done this in a series of letters, reports, statements and third-party interventions which are available on my [webpage](#) dedicated to this topic. I also regularly hold round-table meetings with human rights defenders which focus not only on specific thematic areas, but also on the protection of human rights defenders themselves and the promotion of their work.

Allow me to dwell here, as a last point, on the need to combat **Afrophobia**. This was one of the topics of my dialogue with the [Portuguese](#) authorities last December, on which I published a memorandum, and the focus of a round-table meeting with human rights defenders in November, followed also by a [report](#).

It is a sad reality that people of African descent in Europe are still confronted with widespread and entrenched forms of racism and racial discrimination, not only in policing or the criminal justice, but also in the enjoyment of their social and economic rights. However, these issues are hardly recognised and are further made invisible by the lack of research and equality data. There are insufficient educational and awareness-raising efforts and measures to address the legacy of colonialism and the slave trade. The poor implementation of the international frameworks to combat racism is also part of the problem.

The Black Lives Matter movement gave impetus to the work of human rights defenders of African descent, but their activism remains fraught with danger, ranging from threats to their lives and safety to cyber harassment and surveillance. Their dignity is not respected, their knowledge and experience are disregarded, and their organisations are often excluded from the allocation of public funds.

Combating racism and racial discrimination must become a top priority of our member states. They should acknowledge Afrophobia and make it visible through research and data, by addressing the legacy of colonialism and the slave trade, by improving school curricula and by raising awareness about Afrophobia among the public at large. Member states must better protect and support human rights defenders working to combat Afrophobia. They should have a voice in national and local policy-making and should have more opportunities to engage in dialogue at regional level – hopefully, within our organisation.

Thank you for your attention, and I am looking forward now to our discussion.