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Presentation of the 2021 Annual Activity Report of the Commissioner for Human Rights to the Council of Europe Parliamentary Assembly

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Distinguished members of PACE, ladies and gentlemen,

It is with a heavy heart that I come here today to present my annual report. I cannot but think about the atrocious human suffering that the Russian military attack on Ukraine has caused for millions of people. My thoughts, today and every day since 24 February, are with the victims of this senseless violence and with their families. With those who lost their lives and those who endured torture or ill-treatment, sexual violence and abductions. With millions of those who are displaced in Ukraine or have fled to safety abroad, as well as with many courageous human rights defenders, journalists, humanitarians, activists and many others working on the ground.

I have spoken with many of them in the past weeks. Ten days after the war started, I was in the Republic of Moldova where I listened to the stories of dozens of people who fled the war. My team and I also went to the Czech Republic, Hungary, Poland, Romania and the Slovak Republic from 16 to 22 March where we met other people fleeing from Ukraine, volunteers, journalists, human rights defenders and non-governmental organisations, as well as local, regional and central authorities, national human rights institutions and international organisations.

The rapid support given in member states to people fleeing the war in Ukraine has been extraordinary. I was impressed by the enormous efforts that we witnessed in all countries we visited. Volunteers, NGOs, religious organisations and charities, local and regional authorities, national human rights structures, border guards, fire and rescue and law enforcement services, and above all many ordinary people, have come forward to welcome people fleeing Ukraine with open arms. They continue to assist them with a selfless show of humanity and solidarity. This extraordinary mobilisation has made it possible to provide emergency aid, including food and water, medical care, psychological support, temporary accommodation, interpretation, and pro bono legal services. However, as the war in Ukraine continues to sow death and destruction, these efforts must be sustained in the weeks and months to come.

The governments and parliaments of all member states have a crucial role to play in this regard. They should strengthen efforts to coordinate – both at domestic and European levels – and scale up support for the response to the humanitarian and human rights needs of people fleeing the war in Ukraine. The sustainability of humanitarian assistance, effective integration, provision of adequate housing, the schooling of children and the protection of the safety and dignity of people fleeing, as well as effective communication about measures taken in this respect should be ensured for the long-term.

This is particularly important because in several of the member states visited, the extent to which central governments were making such medium and long-term plans remained unclear. In particular, access to housing, employment, financial aid and education for people fleeing Ukraine, and their overall integration into society, are now the most pressing concerns. People we have spoken with were acutely aware of these issues, including how these might impact their own citizens' access to services, but concrete solutions to these problems should be devised rapidly. Consistent and positive communication from governments about persons fleeing Ukraine is also crucial to deal with any emerging changes in attitude

among the general population and to counter disinformation. There is also a need for more flexibility in providing quickly accessible funding to all those involved in assisting or hosting people fleeing the war in Ukraine, to appropriately react to the changing needs and circumstances.

Special attention should also be paid to the protection of specific groups of people in all countries we visited.

Most of the people fleeing the war in Ukraine are women and children. The risk of trafficking in human beings for those arriving from Ukraine was underscored in all countries visited. Efforts such as registering persons offering transport and accommodation or covert police operations in the arrival points are commendable ways to cope with this problem. Nevertheless, it is necessary to strengthen these efforts to prevent and combat trafficking in human beings. As I stressed at the of my monitoring missions, the recommendations by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings and the Lanzarote Committee should inform further action. Additionally, for many women and girls fleeing Ukraine, especially those who may have suffered conflict-related sexual violence, access to sexual and reproductive health services in some of the receiving member states is highly problematic and this should be a particular point of attention.

Border control, law enforcement and child protection authorities should also strengthen the identification and registration of unaccompanied and separated children and implement family tracing and reunification procedures for those children. This should include improving the capacities of safe places for children, in particular family-based solutions, and strengthening referral and guardianship procedures.

I have also received worrying reports of Roma, LGBTI people and people of African descent being at times treated differently due to deep-seated prejudices against them and having difficulties, as a consequence, in accessing housing, assistance and other facilities.

Turning to the situation in Ukraine, during the last 61 days of war, Ukraine has been the scene of egregious human rights violations committed against the civilian population. The images of the lifeless bodies of civilians, brutally killed in cities and villages in Ukraine, have left us all speechless. They provide a haunting illustration to shocking reports of violations of human rights and breaches of international humanitarian law, such as summary executions, abductions, torture, sexual violence, and attacks against civilian infrastructures, committed in areas of Ukraine previously under the control of Russian troops. To many of these violations, including those that have emerged in Bucha, Borodyanka, Trostianets, Kramatorsk and Mariupol, I reacted publicly.

I use this opportunity to once more warn about the dramatic situation in Mariupol. Many civilians, among them women, children and older persons, are still trapped in areas of Mariupol besieged by Russian forces. For many weeks, they have been surviving under dire conditions and with scant supplies. They should immediately be provided with humanitarian corridors to enable them to evacuate to safety.

This war and the blatant disregard for human life that it brings needs to stop. Every effort must go into preventing more atrocities. The terrible acts committed against the civilian populations may constitute war crimes and must not go unpunished. All of them must be documented and thoroughly investigated, and their perpetrators identified and brought to justice.

I strongly welcome the calls for justice for the terrible acts that have been uncovered over the past weeks. I hope our member states will continue to support the Ukrainian justice system, as well as the International Criminal Court, so that working together, they can deliver a measure of justice and reparations to the victims.

As for myself, I remain ready to visit Ukraine at any moment, in order to bear gather first-hand information on the human rights violations that have been committed and to listen to victims, witnesses, human rights defenders, and of course the Ukrainian authorities. I hope that it will be made possible soon. In the meantime, I will continue to monitor patterns of human rights violations and support coordinated efforts to ensure accountability, including through my regular contacts with the Ukrainian authorities, institutions and human rights defenders and with international counterparts.

All the work I have carried out on the human rights consequences of the war in Ukraine is available on my website where a specific page has been created.

Ladies and gentlemen,

While the impact of the war on the human rights of those fleeing Ukraine and those remaining in the country has been the focus of my work in the last weeks, I have also continued to alert member states on other pressing human rights issues. One such pressing issue is the need to put an end to the long-standing, illegal and inhumane practice of pushbacks of asylum-seekers and migrants. As I stressed in a Recommendation released on 7 April, the scale and normalisation of such practices at Europe's land and sea borders requires urgent and concerted action by governments and parliamentarians.

The impressive response of many European countries to the humanitarian consequences of the war in Ukraine shows that it is possible to put the protection of human dignity and the observance of international obligations at the centre of state action. The same principle should apply also to the protection of refugees, asylum seekers and migrants coming from other parts of the world. As parliamentarians, you also have an important role to play by preventing attempts to allow pushbacks, including legislation that facilitates this illegal and inhumane practice. Your role is also crucial to call governments to account and use your mandates to raise human rights violations when they occur.

Another human rights problem that has remained high on my agenda is the growing pressure on free speech and public participation in our member states. Many governments have become increasingly intolerant towards public demonstrations of dissent. Faced with the multiplication of protests, authorities in several countries have taken legal and other measures that limit people's right to peaceful assembly and therefore their ability to express their views, including political ones, publicly and together with others. These measures range from harsh policing of demonstrations, and bans on and dispersals of assemblies, to changes in legislation aimed at increasing the possibilities of sanctioning persons organising or participating in peaceful assemblies.

I have also observed a worrying retrogression in the safety of some human rights defenders and journalists and the increasingly restrictive environment affecting their ability to work in many places in Europe. They face a variety of reprisals, including judicial harassment, prosecution, unlawful deprivation of liberty, abusive checks and surveillance, smear campaigns, threats and intimidation.

The case of Osman Kavala is sadly emblematic of these patterns of repression against human rights defenders and civil society activists. Yesterday a Turkish court sentenced him to life in prison on baseless charges and despite the absence of evidence that he committed a crime. This decision, as several others before, displays contempt for human rights and the rule of law by the Turkish authorities who continue to disregard both the judgment of the European Court of Human Rights from December 2019 and the requests by the Council of Europe Committee of Ministers and other institutions, including my Office, to release him.

Mr Kavala is an innocent man who has already spent more than four years in prison. He is victim of a justice system that continues to silence human rights defenders, lawyers and journalists.

He should have not been in detention in the first place. He must be released now.

Worryingly, other human rights defenders and journalists in Europe are subjected to brutal repression ranging from physical attacks, torture, ill-treatment, abduction or even killing.

Furthermore, the regulatory framework governing the activities of civil society freedom of expression and assemblies is becoming more restrictive in a growing number of settings and contexts, creating a significant chilling effect on the legitimate exercise of a variety of human rights and freedoms. This trend must be reversed and on this I count on you.

The war in Ukraine has also given concrete significance to the so often repeated and so often neglected truth that journalists and human rights defenders play a crucial role in a democratic society. Their work uncovering human rights violations, giving a voice to victims, fighting for accountability, countering disinformation and propaganda must be valued and protected always.

You can help in this regard. One concrete step would be to repeal and prevent laws which create obstacles for the work of journalists, human rights defenders and civil society organisations. I think in particular of administrative hurdles for NGOs and also of SLAPP lawsuits. These groundless litigations are among the most hurtful tools for stifling free speech and public participation. They are often filed by

powerful individuals or companies who seek to intimidate and silence journalists, activists, academics, human rights defenders, and critics in general. The simple threat of bringing such a lawsuit, including through letters sent by powerful law firms, is sometimes enough to bring about the desired effect of halting investigations, activism and reporting, and violating the right to information, thus impinging on the rights of all of us.

Legislation should protect freedom of expression, not undermine it. Good laws preventing SLAPPs should at the very least meet these three requirements: allow for the early dismissal of such lawsuits; introduce measures to punish abuse; and provide practical support to those who are targeted by SLAPPs.

Both the Council of Europe and the European Union are working on specific standards to curb SLAPPs. I encourage you to provide your support to these initiatives and their future implementation.

Another area where you can play a crucial role is the safety of journalists covering armed conflicts. The war in Ukraine has provided another tragic illustration of the vulnerability of journalists in conflict situations. While it is impossible to prevent all of the risks these journalists are exposed to, states can and should do more to reinforce their safety. Next Monday, on the occasion of World Press Freedom Day, I will publish a Human Rights Comment with recommendations addressed to member states and I invite you to support their implementation in your countries.

Ladies and gentlemen,

The centrality of parliamentarians in underpinning the democratic institutions of our member states cannot be overstated. Your engagement for human rights can make a concrete difference in the lives of many people. Your actions and your words are powerful tools in that sense. But they can also have negative consequences. All too often I have heard politicians both in governments and parliaments use their positions to advance racist, antisemitic, homophobic, misogynist or otherwise undemocratic ideas. More worryingly, in some countries prominent politicians and public figures are fanning the flames of nationalism and wilfully sowing the seeds of hate. This is all too evident in the Balkans where inflammatory rhetoric has intensified in the past months. Thirty years after the siege of Sarajevo started, such discourse should trigger an alarm and remind us of the brutality and serious violations of human rights that people indoctrinated by hateful propaganda can inflict on their fellow human beings.

Instead of going down this path, politicians in Europe must exercise responsibility and lead by example in their public discourse and actions to promote peace, stability, dialogue and understanding. Instead of warmongering and spreading divisive propaganda, politicians should work towards improving inter-ethnic relations and ensuring that everyone's rights are equally protected, in the Balkans, in Ukraine and elsewhere in Europe.

I said this on other occasions, and it is worth repeating here today: the many challenges that democratic societies are facing must be addressed by giving much greater prominence to human rights for all.

If more politicians take the lead and empower people to defend human rights for all we can narrow the gap between our standards and reality.