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Presentation of the 2023 Annual Activity Report of the Commissioner for Human Rights to the Council of Europe Parliamentary Assembly

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Dear Mr. President, esteemed members of PACE,

As I stand before you today to present my final annual report as Commissioner for Human Rights, I feel a profound sense of honour and responsibility. It has been, and it is still, a privilege to serve at the helm of this Institution, championing the cause of human rights in times of great change and challenge, when democracy and human rights have been put under stress and often undermined.

When I started my mandate, some of those changes and challenges already existed, but were of a different nature and called for different action.

Six years ago, issues like misinformation and surveillance were already important, but the rapid advancement in technology since then, including artificial intelligence (AI) such as deepfakes and more sophisticated social media algorithms, have amplified these challenges.

The COVID-19 pandemic has had a profound impact on human rights and democratic governance. Emergency measures, in some cases, have compromised democratic principles and human rights, like public freedoms and privacy. If the sanitary emergency is over, the disparities it exacerbated persist, disproportionately affecting vulnerable populations.

Moreover, the nature and focus of social and political movements have also evolved. Issues like climate change, social justice, and economic inequality have become more prominent and their intersection with human rights and democracy is different compared to six years ago, with greater emphasis placed on inclusive and participatory approaches.

This period has not only tested the mandate of the Commissioner for Human Rights and our ability to act rapidly and adapt to unforeseeable situations but has also underscored the vital importance of our collective commitment to upholding the dignity and rights of all individuals at any time, and in any situation.

Arguably, the most harrowing illustration of this has been Russia's full-scale invasion of Ukraine. For nearly two years, this conflict has caused violations of human rights and international humanitarian law of a staggering scale. The long-term impacts of this are profound, extending beyond immediate physical and material needs to the psychological and social well-being of entire communities for years to come.

In my visits to Ukraine, I was struck by the magnitude of the human suffering but also by the resilience of the Ukrainian people. Despite the horrors they have faced, their spirit of resistance and determination are admirable and a call for action by the international community.

After my last visit to Ukraine, I called for urgent action and international co-operation to ensure the return of Ukrainian children separated from their families and legal guardians. In this connection, I would first like to acknowledge 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.

Much of this work is fraught with difficulty, and it is often done at considerable personal risk to those involved. I also wish to welcome the Ukrainian Ombudsman office's role in providing support to the children and their families. Without the determination and commitment of all those involved, it would be impossible to navigate the long and winding road to returning the children. However, many more children are missing, and their return must continue to be a priority for the international community.

Another issue I focused on during my last visit to Ukraine was the situation of Crimean Tatars. In my report, I highlighted serious and overlooked human rights violations, such as arbitrary arrests, detentions, enforced disappearances, harassment, misuse of anti-extremism laws, forced conscription and illegal transfers of detainees to Russia.

Unfortunately, Russia's war in Ukraine, and illegal annexation of Crimea, were not the only conflicts that caused suffering in Europe. Human rights violations have also marked the latest, and hopefully the last, chapter of the long conflict between Armenia and Azerbaijan in and around the Karabakh region in 2023. Just a few days ago, I published observations following a visit to Armenia and Azerbaijan, including the Karabakh region of Azerbaijan. It was the first time in decades that a human rights mission of this kind was able to visit the Karabakh region. I stressed that effective human rights protection of all persons affected by the conflict over the Karabakh region is key to the success of the peace process.

Beyond the human rights situation in war and conflict zones, there are still other remarkable challenges that need to be better addressed.

The first, and probably most worrying given its impact on human rights protection in general, is the erosion of the rule of law. The rule of law is one of civilisation's greatest achievements, and an essential antidote to the scourge of tyranny and oppression. The rule of law, together with democracy and human rights, is the bedrock of our organisation and our societies.

Regrettably, this antidote is currently being diluted in an increasing number of our member states, where governments ignore court rulings, including of our Court, hamper the independence and impartiality of the judiciary, exert pressure on individual judges, reduce parliaments to mere formalities, hold national human rights structures captive, and dominate media. At the heart of this crisis is a belief that elected officials have greater legitimacy than those charged with upholding the rule of law. This belief is false and dangerously misleading.

On the contrary, it is the responsibility of political leaders to uphold, strengthen and respect the independence, impartiality, and effectiveness of the judiciary.

In few areas is this erosion of the rule of law more visible than in the approach to migration management. Pushbacks, inadequate responses to tragedies at sea, inhumane reception conditions and restrictive family reunification policies are unfortunately not new. But the checks and balances and adherence to fundamental rules that used to provide a measure of protection against these phenomena (including respect for international and domestic court decisions) are less and less visible and effective. And the resulting levels of tolerance to serious human rights violations against refugees, asylum seekers and migrants that are taking root across Europe are deeply alarming.

The increasing focus on externalisation of asylum processes whereby some states shift their responsibilities in this field across borders, encourage others to do the same, with the risk of creating a domino effect that could undermine the European and global system of international protection. This race to the bottom, driven by political instrumentalisation of migration for electoral gain and the dehumanisation of those seeking refuge, highlights a disconnect with the universality of human rights and states' obligations to apply human rights law.

This erosion goes far beyond the immediate suffering of these individuals. It undermines confidence in international agreements and cooperation, weakening our collective ability to address global challenges. It has been proven many times that adopting populist positions only benefits populists: adaptation strategies do not reduce support for populists.

Increasing hostility towards human rights is a related phenomenon. This growing sentiment, driven by widespread frustration, uncertainty, and ingrained inequalities, is creating a divide. It is distancing people from the very rights that are in place to safeguard them.

The consequences of this shift are far-reaching and concrete, affecting the lives of millions. I say this not as an abstract concern but based on what I have seen and heard during my visits, and in numerous talks with affected people.

One of the groups of people most concerned by this situation are women. The prevalence of violence and pervasive misogynistic rhetoric are symptoms of deeply rooted gender inequalities that persistently afflict our societies. Across Europe, women face substantial barriers to the full exercise of their rights, including their sexual and reproductive health rights. On this issue, I will publish a document by the end of February following up to the Issue Paper published by the Office on sexual and reproductive health and rights in 2017.

Further exacerbating these challenges are the deliberate actions of anti-gender movements. Using misleading narratives, these groups work to undermine women's rights and stall progress towards gender equality. Their efforts reinforce damaging stereotypes, casting a detrimental influence over the societal roles of both women and men.

Another alarming example of our current challenges is the intense and widespread intolerance faced by LGBTI individuals. They encounter numerous threats that undermine their dignity, safety, and fundamental freedoms. The difficulties in obtaining legal gender recognition, the restrictions placed on their freedoms of assembly and association, and the inadequate protection afforded to them at public events, are stark indicators of the failure to fulfil states' commitments and uphold legal obligations. The situation of transgender people is particularly worrying. For this reason, my Office has been working for the past two years on a report on this issue that I will publish before the end of March.

It is a lesson long overdue that we must remain vigilant against any form of othering and dehumanisation. Globally, nations have established institutions with the aim of combating hatred, racism, and extremism. Yet the persistence of antisemitism, anti-Muslim hatred, antigypsyism, and other manifestations of racism and intolerance across Europe, serves as a poignant reminder that our efforts have been only partially successful. In several member states, a range of initiatives are being pursued to foster interreligious dialogue and cultivate mutual respect. A particularly inspiring example, which I am very happy to share with you today, is the upcoming launch of the Muslim-Jewish peace and remembrance initiative the Srebrenica Memorial centre in Potočari on 27 January. This event presents a potent symbol of hope and demonstrates the collective desire to build a society where individuals from diverse backgrounds and beliefs come together, not in mere tolerance, but in a shared commitment to trust, peace, and respect.

Furthermore, I have focused my work on other deeply troubling issues.

Of particular concern is the alarming deterioration in the safety and freedom of journalists and human rights defenders in several member states. They are increasingly subject to a range of serious reprisals, including judicial harassment, unfair prosecution and physical harm.

The prolonged detention of Osman Kavala, now in its sixth year despite a ruling by the European Court of Human Rights and decisions by the Committee of Ministers of the Council of Europe, is a glaring example.

However, Kavala's case is not an isolated one. Numerous other human rights defenders, journalists and civil society activists, such as Bakhtiyar Hajiyev, have been unjustly imprisoned for the legitimate and peaceful exercise of their human rights.

This is compounded by the persistent problem of impunity for crimes against journalists in several member states. Lengthy investigations and frequent failure to bring the perpetrators to justice are common, as evidenced by the unsolved murders of Georgiy Gongadze, Slavko Ćuruvija, Daphne Caruana Galizia, Ján Kuciak, Lyra McKee and Giorgos Karaivaz, to name but a few cases.

I would like to express my deepest admiration for the extraordinary courage and unwavering commitment of these journalists and human rights defenders. I once again urge the authorities of the member states to release all those imprisoned solely for their peaceful human rights activities and the exercise of their rights. The practice of judicial harassment of these individuals must cease and governments must refrain from discrediting them, a tactic that further endangers their lives.

It is also imperative to prioritise the end of impunity. Crimes against journalists and human rights defenders must be promptly and impartially investigated and the perpetrators and orchestrators brought to justice.

Finally, it is crucial to support and protect independent journalists and human rights defenders in Russia and Belarus, as well as those in exile. They are essential defenders of democratic values and human rights. They must be recognised and supported in their essential work.

The profound impact of the triple planetary crisis of environmental pollution, climate change and biodiversity loss on human rights stands out as another critical issue of our time. These are not mere environmental concerns. They pose existential threats that strike at the core of human rights and dignity.

Regrettably, the responses of member states to these challenges are often woefully inadequate, a fact that becomes particularly evident in their handling of peaceful environmental protests. The employment of heavy-handed police tactics and the criminalisation of peaceful activism not only contravene democratic principles, but also violate fundamental rights to freedom of expression and peaceful assembly.

Allow me now to turn the attention to a regional issue which, though geographically confined, carries profound implications for countless Europeans. It challenges our collective ability to transition from a history marred by serious crimes to a future of peaceful, multicultural societies rooted in human rights.

Several countries from the region of the former Yugoslavia stand at a pivotal juncture.

In my report, published two months ago on transitional justice in this region, I emphasised the urgent need to involve victims in addressing the past, breaking the cycle of intergenerational trauma, and placing a particular emphasis on youth. These are critical steps on the path towards genuine healing and reconciliation.

The final issue I wish to address is the pressing necessity for stringent regulation of digital technologies, particularly AI. The unbridled advancement of AI presents formidable risks to an array of human rights and the very essence of our democratic fabric. We are confronted with scenarios where AI could profoundly erode privacy, equality, freedom of expression and freedom of assembly, among other rights – even considerably more than it is already capable of doing.

The imperative for comprehensive regulations governing the development and application of AI cannot be emphasised enough. Member states of the Council of Europe are obligated to uphold human rights, a duty that includes crafting regulatory frameworks to protect individuals from rights violations perpetrated by either private entities or state actors.

Despite the formidable challenges we face, it is essential to acknowledge the significant strides made in human rights implementation.

Current challenges are daunting, but they should not deter us. Rather, they should invigorate our resolve to recommit to the principles and standards our Organisation upholds.

I hold a steadfast belief in the feasibility of this endeavour. It is not that human rights have failed; rather, where gaps exist, it is largely due to our collective shortcomings in implementing these rights systematically and effectively across generations.

State authorities, and notably you as parliamentarians, are entrusted with the primary role in this endeavour, but leadership in this area demands more than rhetoric: it requires politicians to set an example through both their words and their actions.

In this vein, bolstering multilateralism is critical for sustaining international cooperation, preserving global stability, and upholding democratic values. This is especially pertinent in the current year, a time when numerous elections will scrutinise the strength, resilience, and integrity of democratic processes amid challenges of digital misinformation and geopolitical tensions.

Dear Mr. President, esteemed members of PACE,

Even in the darkest moments of recent European history, such as Russia's full-scale invasion of Ukraine, the resilience of multilateralism and commitment to human rights has been evident. The collective response to this war, including humanitarian assistance, economic support, and legal efforts to hold the Russian authorities to account, has been an expression of our member states' continued commitment to cooperation and principled action.

The collective and united response to this war demonstrates the resilience of an international system that, despite its imperfections, remains our best defence against tyranny – and the best defence of our rights. The recent Council of Europe Summit held in Reykjavik, where the Heads of State and Government pledged to reaffirm their commitment to the norms and principles of our Organisation, is encouraging. Member states have agreed on a clear roadmap for strengthening human rights protection and to reinforce the Council of Europe and its institutions, including the Office of the Commissioner.

Moreover, the dedication of NGOs, journalists, human rights defenders, and activists, including young environmentalists, often facing great personal risk, reminds us that the principles and vision of our Organisation continue to inspire across generations, and are as relevant today as they were when the Council of Europe was created 75 years ago.

Last but not the least, I want to express my gratitude to each and every member of my team, including the ones that moved to new professional challenges, for their unwavering commitment, dedication to human rights, and for their hard work. They have consistently demonstrated their passion and drive, showing up with their best selves and pushing the boundaries of what we thought was possible. Their resilience and adaptability of this team have been nothing short of remarkable.

It has been an honour and a privilege to lead and work alongside such remarkable individuals. The memories we have created and the achievements we have accomplished together will forever hold a special place in my heart.

Now, our mission is to leverage these positive trends, to further the cause of human rights, and to narrow the divide between norms and reality.

Let us remember that the advancement of human rights is not a linear process, but a collective struggle that requires continuous effort. By promoting human rights awareness, advocating for justice, and working towards an inclusive society, we can build a future where human rights are respected, protected, and fulfilled for all.