



COMMISSIONER FOR HUMAN RIGHTS

COUNCIL OF EUROPE



Strasbourg, 15 April 2008

CommDH(2008)10REV

ANNUAL ACTIVITY REPORT 2007

**by Thomas Hammarberg,
Council of Europe Commissioner for Human Rights**

Presented to the Committee of Ministers
and the Parliamentary Assembly

CONTENTS

| | |
|---|----|
| Preface..... | 3 |
| Overview by the Commissioner | 5 |
| 1. Thematic Concerns..... | 10 |
| 1.1 Priority themes | 10 |
| 1.2 Freedom of expression and journalism | 11 |
| 1.3 Rights of children | 13 |
| 1.4 Right to adequate housing | 14 |
| 2. Role of national human rights structures | 17 |
| 2.1 Preparation and launching of an enhanced co-operation | 17 |
| 2.2 Implementation of the enhanced co-operation..... | 18 |
| 2.3 Information for country visits and thematic reports | 18 |
| 2.4 Other NHRS related activities | 19 |
| 2.5 The Eunomia Project..... | 19 |
| 2.6 The “Peer-to-Peer Project” | 19 |
| 3. Summary of activities..... | 19 |
| 3.1 Introduction | 19 |
| 3.2 Field Visits and Reports | 20 |
| 3.3 Thematic Work | 21 |
| 3.4 External Relations | 24 |
| 4. Staff and Budget | 27 |

Preface

This is the annual report by the Commissioner for Human Rights for the year 2007.

The activities, visits, findings, recommendations and opinions of the Commissioner are the subject of a regular reporting or publicity. In 2007 the Commissioner released four quarterly reports and a number of country reports and follow-up memoranda. An Issue Paper on the human rights of irregular migrants was published. They are all available on the Commissioner's website (www.coe.int/commissioner). No less than 26 viewpoints and a number of speeches were also posted on the Commissioner's site.

It was therefore decided to supplement the overview of activities presented by the Commissioner with a limited selection of additional elements:

- A more detailed description of the main thematic concerns, including examples of different forms of involvement of the Commissioner. The issues selected are the rights of children, freedom of expression and journalism, the right to adequate housing.
- A thorough presentation of the work with national human rights structures, which has so far been the subject of more technical documents.
- An exhaustive summary of activities.
- Traditional information on staff and budget.

Overview by the Commissioner

Making Human Rights a reality

Europe today is essentially unified behind the values of democracy and human rights. All Council of Europe member states have ratified the European Convention, incorporated this treaty into their own legislation and are taking part in the proceedings of the European Court of Human Rights – this unique supra-national institution of justice.

Most member states have also ratified the Protocols to the Convention as well as the other crucial Council of Europe standards for human rights and they cooperate constructively with the monitoring mechanisms.

In other words, the standards are agreed and the procedures set up. Of course, this does not mean that there are no human rights problems. The tens of thousands of submissions every year to the Court are an indication both of remaining problems and of the fact that ordinary citizens have a hope that their claims will be heard.

The great challenge now is to *implement* the agreed human rights, to ensure that they are made a reality.

In this endeavour we need to particularly focus on all those who tend to be forgotten or marginalized:

those who do not have the contacts or the means to seek legal advice;
 those who face language barriers when they want help;
 those who are repressed by their own cultural group or squeezed between two life styles;
 those who are underground and fear exposure;
 those who are isolated in their disability;
 those who are old, who have lost security and are too fragile to start again;
 those who belong to minorities and are targeted by xenophobes or homophobes.

All those who tend to be excluded.

The World Bank study on poverty some years ago – published in the report “Voices of the Poor” – clarified that poverty was not only a question of low income but mainly of powerlessness. Those who needed the parliamentarians, the court system, the ombudsmen and the media – they did not reach through, and were not reached.

We have this problem in Europe as well. When we talk about ‘equal opportunities’ - this is the reality behind. We cannot be satisfied until those who need human rights protection the most can benefit from the standards and procedures agreed upon to protect the rights of everyone.

How can the Council of Europe Commissioner for Human Rights contribute?

I work independently within the Council of Europe with a relatively small Office of approximately 25 staff. The mandate which created the institution requires me to foster effective observance of human rights, and to assist member states in the implementation of Council of Europe standards. I also promote education in and awareness of human rights, and identify possible shortcomings in law and practice.

My work can largely be divided into three main areas: field visits and reports, thematic, educational work and promotion of national human rights structures. I should work in coordination with other bodies protecting and promoting human rights.

Country visits and reports, as tools for dialogue and progression.

It is crucial that I am close to the reality on the ground. Missions to member states enable me to assess local situations. I visit institutions and sites with particular human rights relevance, such as prisons, police stations, shelters for victims of violence, facilities for accommodating asylum-seekers, psychiatric institutions and schools. Such experiences are important when meeting the highest representatives of government, parliament, the judiciary, as well as representatives of civil society.

I am continuing with my predecessor's series of comprehensive assessment missions to member states, which result in a report with concrete recommendations sent to the authorities. These reports begin with an assessment of the national systems for human rights protection, including the status of human rights standards, overall coordination and action plans, the judiciary, complaint bodies and human rights structures, civil society involvement. Special sections are then devoted to specific human rights concerns I want to highlight. With a lot of progress made in recent years on treaty ratification and legislative reforms, my reports put the emphasis on implementation. They are presented to the Council of Europe's Committee of Ministers and Parliamentary Assembly. They are published and circulated in the policy-making and NGO community. I see them as tools for progression, future co-operation and follow-up.

During 2007, I undertook full assessment visits to Austria, Bosnia and Herzegovina, Azerbaijan, Armenia, Albania and Ireland. By the end of 2008, my predecessor and myself will have conducted such assessment missions to all 47 member states.

A few years after the initial assessment report, there will be a follow-up visit to assess the progress made in implementing the recommendations laid out in the assessment report. Previously, these visits were undertaken by a team from my office, but we have decided that in the future I would take part myself in these projects as well. During 2007 the office published follow-up memoranda in respect of Estonia, Denmark, Poland, Sweden, Latvia and Lithuania. I went to Warsaw, Riga and Tallinn to discuss sensitive aspects of implementation.

In order to start a dialogue also with governments in countries not currently covered by assessment missions, I undertook contact missions to Greece, Turkey, Moldova, Romania, Norway and Finland, where I concentrated on a limited number of priority issues. I also took the opportunity of a seminar in Moscow in July for high level talks.

Furthermore, I conducted more focused "special" visits to address specific concerns in member states. Already in November 2006, I had visited Slovenia after an enlarged family of 31 Roma had been forced to move from their home due to demonstrations by people from the neighbourhood.

In December the same year, I visited Bosnia and Herzegovina to assess complaints about the consequences of the UN process of vetting police officers by the International Police Task Force (IPTF) conducted until the end of 2002. Shortly afterwards, I sent a report to the United Nations and the government of Bosnia and Herzegovina, stating that the lack of an appropriate legal remedy in the vetting process by the UN International Police Task Force (IPTF) raised a number of human rights concerns. After consultations in New York with Security Council members, I returned to Sarajevo in April to conduct further discussions on that issue, which is still not appropriately settled.

In February 2007, I made a special visit to Georgia, and in particular, to Abkhazia and South Ossetia to assess the human rights situation in these conflict zones. This visit, and the subsequent interim report, is the first step in what I hope will be a process of continuing dialogue on human rights issues linked to these unresolved conflicts. The process already produced some positive results, including the release on humanitarian grounds of two people serving long-term sentences.

Shortly afterwards, I also visited the Chechen Republic, including Grozny and the Southern part of the Republic. During the course of conversations I had with the inmates in the prison in Grozny, I became increasingly convinced of the existence of the use of torture and ill-treatment by law enforcement agents, whether republican or federal, during the investigative proceedings. My work in the Chechen Republic is on-going, as I have one member of my Office who is permanently stationed there.

Thematic concerns: declared priorities and issues that came to the fore

The fight against racism and xenophobia, non-discrimination and the rights of migrants were thematic priorities in my work. These issues are inter-related and require continuous attention in all member states. I raised these themes regularly during assessment missions and other country visits as well as at conferences and in my regular viewpoint articles. I commissioned an issue paper on the human rights of irregular migrants which was released in December as food for thought for all those involved in the handling of such situations.

Women, members of Roma, Muslim and Jewish communities, lesbians, gays, bisexuals and transgender persons (LGBT) as well as migrants, including irregular migrants, received particular attention as victims of racism, xenophobia and discrimination. Since late 2007, my Office has been able to strengthen its capacity to monitor the human rights situation of LGBT and homophobic tendencies with the help of a voluntary contribution from the Government of the Netherlands.

Several other issues emerged as important themes during my country visits and I highlighted some of them in my Viewpoints.

The independence and effectiveness of complaint mechanisms for dealing with ill-treatment by the police was a recurrent problem on which many member states are in need of further guidance. There also are new examples of good practice which are already in place in this field. I intend to explore this theme further through a workshop in May 2008 in order to issue detailed guidelines on the subject.

Freedom of expression, media freedom and access to information constitute a challenging series of rights which are essential for underpinning democratic societies. I devoted several Viewpoints to these freedoms and further progress is still needed, for example, in reviewing penal provisions against defamation.

Life sentences and the situation of “lifers” were brought to my attention in several member states. Since the rehabilitation and reintegration of prisoners should be one of the basic principles of the prison system, indefinite incarceration of offenders is particularly problematic.

Juvenile justice was discussed at the Lanzarote Conference of Ministers of Justice in October. Court procedures need to be adjusted to the particular needs of children, be they victims, witnesses or perpetrators. Also, a traditional prison regime is not the right response in cases involving minors as I have been able to witness first hand during my country visits.

I have continued my work on children’s rights and organised, for the first time, the annual Korczak lecture on the rights of the child in November in Warsaw.

My Office also organised two workshops in 2007 to take stock of current human rights developments. The first workshop in June focussed on the right to privacy specific and data protection in the fight against terrorism and I intend to publish an issue paper on the topic this year. Another workshop took place in Budapest in September exploring means of implementing housing rights. Both an issue paper and legal guidelines are under preparation on the right to housing.

A turning point in the co-operation with National Human Rights Structures

I have always considered Ombudsmen and National Human Rights Committees as privileged partners in the promotion of human rights. We often meet on a one-on-one basis. In 2007, I continued to encourage the creation of such institutions in line with the Paris Principles in countries where they did not yet exist and I swiftly included newly established structures like the Ombudsman of Serbia in our network. I gave support to Ombudsmen in difficult circumstances, as during the state of emergency in Georgia.

At an Athens Round table in April, I presented proposals for an enhanced co-operation with these structures, which would also contribute to the long term efficiency of the European Court of Human Rights (ECtHR), as recommended by the Wise Persons' report. These proposals were approved. Contact points were appointed. Flows of information have been structured. Practical work has started. The adoption in December of a sizable "Peer to Peer" project, jointly funded by the EU Commission and the Council of Europe was another step forward. Through trainings, peer review activities and exchanges of good practices, the programme aims at empowering national human rights structures to help prevent or find solutions to human rights violations with an increased effectiveness. More detail can be found in a separate section of this report

Towards third party interventions before the ECtHR

In 2007, I became increasingly convinced that third party interventions in a few well-selected cases could occasionally provide the European Court of Human Rights with useful additional perspectives based on my extensive exposure to fundamental rights' issues. Failing the entry into force of Protocol 14, which lays down a general right of intervention, the Commissioner may already be invited by the President of the Court to make submissions in an appropriate case. The main limitation factor has thus far been, I believe, the limited time and resources available on my side. The situation is slowly evolving for the better.

A developing working relationship with relevant international institutions

While I systematically consulted with representatives of relevant international agencies during my country visits, which absorb most of my time, I also intensified contacts and synergies with European Union bodies, heads of UN Agencies and special UN and OSCE representatives. As a side event to the PACE debate on human rights in April I organised a roundtable bringing together leading representatives of key institutions, inter-governmental as well as non-governmental, who engaged in a genuine debate on the implementation of human rights standards in Europe. Exchanges with EU Commissioners and Council bodies are becoming more regular and result-oriented.

The need for a critical and constructive approach

In the implementation of my difficult mission, I have greatly benefited from the generally open attitude of member states, their readiness to enter into constructive dialogue and follow-up, and the support of the Parliamentary Assembly, which held a debate on my institution in September.

Achievements in the field of human rights are notoriously hard to measure. Yet, I believe that the ongoing dialogue, the visits and recommendations, the awareness and advocacy initiatives, the involvement of national human rights structures and the international coordination which I have described here can make a real difference.

However, the major shifts have to come from within the countries themselves. Outsiders, like me, can only contribute. One such contribution can be to share knowledge on how human rights problems have been tackled in other countries.

On the basis of well-tested facts, I want to provide constructive advice to all governments on how to improve their human rights situation. In this, I do assume good will on the part of governments. My assumption is that governments want to improve the human rights situation in their country and are willing to listen to constructive criticism and ideas for improvement.

This approach facilitates a dialogue with authorities. I have been given access to the highest echelons of government, while at the same time managed to relate closely with civil society and being frank and clear with the media. This provides a fruitful combination of dialogues.

It is important that I am ready to voice criticism when necessary. The purpose of the criticism is not to damage a country but to help identify the actual problems in order for them to be addressed.

However, I do realise that it is important that we who represent the pan-European community in this field are self-critical.

- We must realize that outsiders can never decide on the necessary changes inside a country; reforms have to be decided by the domestic authorities. We can be a dialogue partner, tell what we see, refer to the agreed standards, inform about solutions in other countries – but it is the role of the national, and the local, authorities to take the decisions.
- We have to learn as much as possible about the situations we act upon. Ignorant advisors are of little help. We have to be as professional as ever possible.
- We should be diplomatic but also able to call a spade a spade. Our loyalty is to the agreed standards and to the people they are intended to protect.
- We must keep in mind the risk of negative politicization. Human rights messages are often controversial and can be used or misinterpreted in the domestic political debate. This should not make us silent, but we need to be conscious about the risk of misuse.
- We are not aiming at regime change. We are working with those who are members of our organization whatever personal opinions we may have of these governments.
- We should clearly avoid any stereotyping of countries or governments. We should be factual and honest – which sometimes means to be inopportune – when we describe the human rights situation.

With such a disciplined, constructive and honest approach, I am sure that we can contribute to the genuine implementation of our agreements and the support to those who otherwise might be excluded and neglected.

Strasbourg, 1 March 2008



1. Thematic Concerns

1.1 Priority themes

Actions fight against *racism and xenophobia, non-discrimination and the rights of migrants* were the thematic priorities in the Commissioner's work during 2007. All these issues are closely inter-related and require continuous attention in all member states of the Council of Europe. These themes were regularly raised during assessment missions and other country visits as well as at conferences and in the Commissioner's fortnightly Viewpoints. Women, members of Roma, Muslim and Jewish communities, lesbian, gay, bisexual and transgender persons as well as migrants, including irregular migrants, received particular attention as victims of racism, xenophobia or discrimination. Moreover, the past year was the European Year of Equal Opportunities for All while the Commissioner also supported two related Council of Europe initiatives: the European Youth Campaign "All different – All Equal" and the Dosta Campaign to fight prejudices against Roma.

In *gender discrimination*, the Commissioner highlighted the need for positive action for achieving balanced participation of women and men in political and public decision-making. Recommendation (2003) 3 of the Committee of Ministers lays out the standard indicating that the representation of women or men in decision-making bodies should not fall under 40 per cent. Currently, the share of women in national parliaments and governments rarely reach that number. The Commissioner supports the application of quotas in electoral lists in order to attain gender balance. Violence against women can be viewed as an extreme manifestation of discrimination which reflects unbalanced power structures and results in the suppression and humiliation of women by men in particular. In addition to promoting legal protection frameworks, the Commissioner has put a particular emphasis on the availability of support services, including shelters, for women victims of violence. It is important that such services also cater for the needs of migrant women and women with disabilities.

Islamophobia, anti-Ziganism and anti-Semitism have been major concerns in the work against racism and xenophobia, often compounded by discrimination in working life, education and housing. Hate speech and violence against minorities also continue to be serious problems in Europe. The Commissioner has pointed out that the global fight against terrorism has resulted in political discourse affected by racism and xenophobia, including anti-Muslim sentiment. Repeated ID controls and security profiling on the basis of race, ethnicity, national origin and religion present a high risk of running counter to non-discrimination norms. Surveillance, searches and other similar law enforcement activities should be strictly based on individual behaviour and accumulated intelligence in order to be effective.

Evictions of *Roma* have been a perennial concern for the Commissioner. They have often taken place in violation of human rights standards especially as regards the rights to adequate housing and privacy, procedural guarantees and remedies. In October, the Commissioner issued a joint statement on the housing rights of Roma with the UN Special Rapporteur on the Rights to Adequate Housing, Miloon Kothari, calling for improvements in the legal safeguards against forced evictions at the national level. The fact that Roma are grossly underrepresented in national, regional and local assemblies all over Europe was another concern highlighted by the Commissioner. While the participation of Roma women and men in public life can be enhanced through positive measures, the established political parties should also relate to Roma in a constructive manner, take their problems seriously and assume a clear stance against anti-Ziganism during election campaigns in particular. Furthermore, the role of ombudspersons in protecting the rights of Roma was explored in a workshop organised by the Commissioner and the Greek Ombudsman in December.

Lesbians, gays, bisexuals and transgender persons (LGBT) continue to be confronted with discrimination and violence in Council of Europe member states because of their real or perceived sexual orientation and gender identity as well as homophobia more generally. The European Court of Human Rights has taken up a central role in clarifying the legal framework related to LGBT. The Commissioner has given a particular focus on monitoring unnecessary restrictions placed on the freedom of assembly and association of LGBT and hostility towards Gay Pride Parades.

Since late 2007, the Commissioner's Office has strengthened its capacity to monitor the human rights situation of LGBT with the help of a voluntary contribution from the Government of the Netherlands. The monitoring project takes the rights enshrined in the European Convention on Human Rights as interpreted by the European Court of Human Rights as its primary reference point. It will identify gaps in both national law and the attendant policies and practices which inhibit protection and hence cause direct and indirect violations of human rights in member states. Protection against violence and discrimination as well as access to effective remedy when violations take place are priority objectives.

Migrants, both regular and undocumented, are particularly vulnerable to discrimination and social exclusion. Moreover, public discussion on migration is often marked by xenophobia and the dissemination of negative stereotypes and even hate speech against migrants. The Commissioner has emphasised that all migrants have human rights, even when they are not citizens of the country where they live. He also supports efforts towards a common European migration policy. It is important that such a policy is based on facts and human rights and not on negative stereotypes.

Undocumented migrants usually find themselves on the black labour market and are deprived of social rights connected with employment. Their access to minimum rights is further limited by the fear of being denounced to the authorities. In December, the Commissioner published an **issue paper on the human rights of irregular migrants in Europe**. The issue paper outlines the risk faced by undocumented migrants and the rights they enjoy under international human rights law while suggesting means of ensuring an adequate level of protection for the rights of irregular migrants. The Commissioner has also emphasised that the UN Convention on the Rights of the Child applies to migrant children including those who have been denied a permit to stay. The state has an obligation to ensure a child's right to healthcare and education.

In addition to specific attention to vulnerable groups of people, the Commissioner's country visits and reports have focussed on the national legal frameworks for non-discrimination and penal provisions against racially motivated crime. Effective access to remedies both through courts and non-judicial institutions has been a specific objective in order to implement legal safeguards. The Commissioner also strongly encourages the ratification by all member states of Protocol No. 12 to the European Convention on Human Rights, which introduces a general prohibition of discrimination

1.2 Freedom of expression and journalism

The Commissioner has issued three viewpoints on freedom of expression in 2007, in which he addresses a number of topical issues, which have been developed in his country reports and/or which have an impact in the current public debate. A particular focus was put on freedom of the press and the principle that there cannot be a democracy without due protection against intrusions by public authorities in the press playing its vital role of "public watch dog".

In a viewpoint "Investigative journalists and whistle-blowers must be protected" (17/09/2007), the Commissioner recalls that the limitations permitted by article 10 of the Convention should be regulated by law construed narrowly, as required by the European Court of Human Rights. He

stresses that critical reporting must be allowed, including about public authorities and politicians and takes the clear line that no journalist should be imprisoned for doing his or her job. While noting that in many European countries, defamation is still a criminal offence in the books, the Commissioner points at the position taken by the OSCE Representative on Freedom of the Media, Milos Haraszti, who has recommended that offences against honor and dignity should be decriminalized, and that such cases in the future should be dealt with by civil-law courts. Similarly, the Parliamentary Assembly of the Council of Europe has issued an unequivocal Report stating that prison sentences should not be applicable in cases of defamation. The Commissioner suggests that the way out of criminalisation should include a debate on the role of “self-regulatory mechanisms” within the media. The Commissioner stresses that “there have been encouraging results in countries where media representatives have developed Codes of Ethics and designed their own special procedures to enforce professional standards, for instance, through Press Councils or Press Ombudsmen”.

The Commissioner also underlines the need for introducing in a more systematic way the system of “responsible publishers”, whereby the legal accountability is placed on one clearly defined authority within the media enterprise. Such systems have the beneficial effect of protecting the individual journalist from the likely chilling effect of the risk of having to pay damages in a civil procedure.

The Commissioner further identifies the protection of journalist sources as one essential pillar of freedom of expression, on the basis of a clearly established case-law by the European Court of Human Rights. He deplores the cases where not only prominent investigative journalists have had their sources “scared to silence”, but also have been the object of appalling contract killings. He calls for immediate release of journalists unduly imprisoned, and for the declaration of a moratorium on the use of criminal defamation laws.

In a second Viewpoint “Do not criminalize critical remarks against religions” (11/06/2007), the Commissioner discussed limits put on freedom of expression in relation to religious beliefs. While adhering to the ECtHR’s case-law that freedom of expression does not allow hate speech, the Commissioner calls for considerable care in the use of criminal sanctions in that respect, noting that the line between what should be considered an acceptable, albeit critical or even disturbing, or even subversive criticism, and hate speech is very thin.

In this light, “banning information and the expression of opinions should be seen an exceptional measure which needs to be decided through democratic means and justified as a matter of absolute necessity”. The Commissioner strongly insists on the crucial importance of freedom of expression in “exposing societal problems, monitoring people in power and promoting tolerance”. To this extend, these values are to be protected and promoted, “even at the cost of accepting some dubious media reporting”.

The Commissioner further stresses that it is for national courts to apply the existing legislation on hate speech and incitement to violence in a non-discriminatory manner. He welcomes the conclusions put forward by the Venice Commission in its Preliminary report on the national legislation in Europe concerning blasphemy, religious insults and inciting religious hatred (of 2007), stating that there is no need for new specific legislation on the matter, and that the focus should be on the correct and full implementation of the existing general legislation applicable.

The Commissioner eventually underlines the necessity of developing prevention rather than repression in this field. This implies the promotion of inter-cultural dialogue and tolerance, which could be reflected in “Codes of ethics” already established in some countries for the purpose of self regulation. The participative dimension of “co-regulatory frameworks involving the media, civil society and the public authorities should also be developed”.

Finally, the Commissioner focused on Media diversity, as being a core element of democracy in a third viewpoint (1/10/2007). The Commissioner notes that in too many countries, governments and strong business interests dominate media production, not least on the television side.

The Commissioner points at actions taken by government to undermine free competition between media, identifying a series of sensitive issues. A series of discriminatory measures have been taken by governments against independent media, in violation of the principle of freedom of expression. Independent media are essential to transparency and are the most efficient way of an open and well informed public debate.

Concomitantly, States should operate as “impartial managers” for official media, and this public service should by no means be used as propaganda instruments. Their independence and impartiality are of paramount importance and “ought to be protected through agreed guidelines and an appropriate procedure of appointing directors”.

Additionally, the access to public information is a key point of media culture, and is therefore “a democratic principle of high priority”. There should be a clear right of citizens and therefore journalists to obtain information and written documents from public authorities, and exceptions should be narrowly construed to the end of the protection of legitimate state secrets.

The Commissioner stresses the need to discuss these questions not only in “transition countries” but all over Europe: “Do we have a genuine competition in the media market? Do the public service media play the role it should? Are governments genuinely transparent?”.

1.3 *Rights of children*

In 2007, the Commissioner continued to devote a great deal of attention to an enhanced protection of children against violence, a field in which positive developments can be observed.

A majority of the 47 Council of Europe member states have now committed themselves to put an end to all corporal punishment of children. Full prohibition in law has so far been adopted by 18 member states and at least seven others have publicly pledged to do the same in the near future. This trend should be most welcomed as it is fully in line with international human rights norms. It could be seen as a direct implementation of the UN Secretary General study on children and violence which called for a complete ban in 2009.

In the updated version of his issue paper on corporal punishment, the Commissioner insists that the very purpose of a legal prohibition of corporal punishment of children is prevention. The ban should be continued with actions to promote non-violent methods of child-rearing. The Council of Europe’s programme “Building a Europe for and with children” is promoting the abolition of corporal punishment not only through law reform but also through the promotion of positive parenting and awareness-raising efforts.

The Commissioner also promoted other aspects of human rights protection for children.

In a lecture dedicated to Janusz Korczak on the occasion of the International Children Day, the Commissioner recalled that child participation is also a human right. Children have the right to express their views freely in all matters affecting them as recognized by the Convention on the Rights of the Child. Children could be given a possibility to express ideas in the media. Mechanisms such as child parliaments or consultative boards need to be developed. The schools should be organised in a democratic spirit. This requires capacity-building among teachers and school staff on how to listen to children, enhance dialogue and promote democratic conflict resolution. The Council of Europe initiative to publish the *Compassito* - manual on human rights education for children – is very useful in this context.

The Commissioner further observed that Justice generally remains an area where children are excluded from the decision-making process, where they are treated as objects and not as subjects. Improving juvenile justice mechanisms requires that children – whether they are victims, accused or witnesses – are heard. When it comes to child perpetrators, the objective of the judicial system is too often to punish the child as if he or she were an adult. More room should be given to educational or alternative sanctions. Prison is not a place for children.

In that context, the Commissioner called for the current trends to reduce the age of criminal responsibility and to lock up more children at younger ages to be reversed. Across Europe, ages of criminal responsibility vary from as young as 7 or 8 years old to 18. In a viewpoint published in January 2007, the Commissioner considered that it was important that young offenders be held responsible for their actions and, for instance, take part in repairing the damage that they have caused. The difference with an ordinary criminal system should be found in the sanction process. In juvenile justice there should be no retribution. The intention is to establish responsibility and, at the same time, to promote re-integration. This requires innovative and effective community sanctions.

1.4 Right to adequate housing

In recent years, the right to adequate housing has become an acute issue in a number of countries and circumstances and the Commissioner decided to become more active on that front.

In addition to being a home, housing has become a marketable and valuable asset across Europe. Yet many people are in great housing need and cannot access the housing market, either to rent or buy. Some have nowhere to live or are afraid to live in their home. Increasing numbers of people sleep in doorways, squats, abandoned buildings and other places not meant for habitation. In this context, housing rights are gaining a new importance. These rights can provide a set of person-centred values, inspiring meaningful and effective responses and promoting equality and non-discrimination in housing systems. In September, the Commissioner convened a workshop in Budapest to explore means of implementing housing rights in Europe.

Persistent difficulties are faced by Roma and Travellers in securing adequate basic housing. Regular evictions, inhuman living conditions and non-recognition of their needs can result in persecution for some minorities, as described in the Moldovan case at the European Court of Human Rights. "Following this incident, having been hounded from their village and homes, the applicants had to live, and some of them still live, in crowded and improper conditions – cellars, hen-houses, stables, etc. - and frequently changed address, moving in with friends or family in extremely overcrowded conditions". In October, the Commissioner issued a joint statement on the housing rights of Roma with the UN Special Rapporteur on the Rights to Adequate Housing Miloon Kothari calling for improvements in the legal safeguards against forced evictions at the national level.

Migrants face overcrowding, poor facilities and hygiene, while irregular migrants often live in undesirable areas that can be detrimental to their health and well-being. Undocumented migrants are often forced to live as nomads due to the uncertainty of their income and the irregularity of their status. Across Europe many women and children leave their homes, in fear of violence, seek temporary and then permanent re-housing, which may be needed in a different area or region. Domestic violence is a blatant violation of their housing rights. It violates the inherent right to security, peace and dignity within the home and the prohibition against forced eviction.

Many people with disabilities are largely excluded from the housing market and, despite programmes in many States, adequate and accessible housing is not available. Significant numbers remain within institutions where their personal and social development is impeded.

Discrimination in access to housing has been recorded across Europe, but is underreported by victims. Gay men and lesbians often face discrimination in access to housing and inheritance. Negative housing outcomes for disadvantaged minorities result from socio-economic and racist exclusion, but at the same time contribute substantially to it.

There is a continuing problem of homelessness, and many people experience hidden forms of homelessness, such as overcrowded, substandard and insecure housing. Hidden are also the tragedies of older people who cannot afford to stay in their old flats due to increased rents and tax charges, or the despair of families in former Communist countries whose insecure leaseholds have not yet been transformed into property rights.

Housing rights are now viewed as an integral part of economic, social, and cultural rights within the international human rights instruments, on a similar footing to civil and political rights. The UN Committee on Economic, Social and Cultural Rights and the European Committee on Social Rights (CSR) have clarified the contents, standards and obligations within housing rights. These include the concepts of minimum core obligations, progressive realisation of rights according to available resources, and violations of rights, in the context of the right to an adequate standard of living. Any retrogression in housing rights would constitute a human rights violation. The jurisprudence related to the Social Charter is being developed also through the Collective Complaints Protocol. This allows NGOs to lodge a complaint to the CSR where there appears to be a violation of any provision of the Social Charter by any State which has accepted it.

The Revised Social Charter grants rights to social and medical assistance for those without adequate resources, establishing housing obligations in relation to physically and mentally disabled persons, children and young persons, migrant workers, elderly persons and rights to social, legal and economic protection for families, including a State obligation to provide family housing. "The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status."

The Charter's Article 30 on the right to protection against poverty and social exclusion includes an obligation to promote effective access to a range of services, including housing. Article 31 establishes a right to housing, with Contracting States undertaking to take measures designed to promote access to housing of an adequate standard, to prevent and reduce homelessness with a view to its gradual elimination, and to make the price of housing accessible to those without adequate resources. The Conclusions of the CSR in monitoring States obligations under Article 31 have demonstrated the application of a new set of benchmarks to national housing law and policy.

The Limburg Principles (1986) and the Maastricht Guidelines (1997) have defined further the requirements of effective implementation of socio-economic rights, such as housing rights, and the nature and appropriate remedies for violations.

The ECHR contains many civil and political rights provisions which are being indirectly interpreted in the development of housing rights across Europe, especially within Articles 3, 6, 8, 13 and 14. These can also be applied in national courts where the Convention has been incorporated into national law. Positive obligations on States are being established in the European Court of Human Rights (ECtHR) especially in relation to vulnerable persons who cannot assert rights themselves, although many cases fail to reach the court, or are limited by the inadequacy of State resources.

In 2000, the Committee of Ministers of the Council of Europe adopted a Recommendation on the Right to the Satisfaction of Basic Material Needs of Persons in Situations of Extreme Hardship. This acknowledged that “the satisfaction of basic human material needs (as a minimum: food, clothing, shelter and basic medical care) is a requirement intrinsic to the dignity of every human being and constitutes the condition for the existence of all human beings and their well-being.”

One major obstacle to housing rights protection is the failure of States to address their obligations to implement housing rights in legislation, administration systems and policies. Some States have a difficulty in defining and enforcing a minimum standard of housing rights protection or in securing the resources for effective State action. Many programmatic approaches avoid remedies for violations, while some rights approaches ignore the role of housing markets. Growing ‘soft law’ and ‘regulatory’ measures regularly fail to address the existence of enforceable rights to housing. Support for victims of housing rights violations in defining and asserting their rights at a personal and group level, is critical. Access to decent housing is a precondition for the exercise of other fundamental rights and for full participation in society.

These obligations underline the need for governments to devise a clear housing strategy which should define objectives, priorities and budget input. Such a strategy should be matched by a robust national legislation. Constitutional provisions should be coupled with ordinary laws and statutes which clearly spell out the duties of national and local authorities. The right to adequate housing has to be made justiciable before the courts so that individuals can seek remedies if they cannot access adequate housing.

Recent legal developments in Scotland and France stand as good examples to follow in the field of housing rights. In Scotland, public authorities have set themselves the target of providing adequate accommodation for all people who are homeless as from 2012, as part of a legally binding obligation on local authorities to provide housing for all. The recently adopted law on the justiciable right to housing in France aims to give people the right to seek legal redress in front of the administrative tribunal. It can require the State to offer the claimant adequate housing.

In his Viewpoint on housing rights published in October, the Commissioner outlined the elements for a minimum programme for a rights-based housing strategy:

- National laws should spell out housing rights and identify those who are responsible for their implementation at different levels. Minimum standards for adequate housing and emergency accommodation should be clearly defined.
- Non-discrimination legislation should include housing rights both in the public and private markets.
- Positive measures should be taken to support disadvantaged groups.
- Effective remedies to violations of housing rights and discrimination should be available to everyone. The right to adequate housing should be justiciable before courts.
- Adequate and effective legal and consumer protection for those in private rented housing and those with mortgages for homes.
- The realization of housing rights should be monitored at national and international level. Ombudspersons and human rights’ institutions have a role in this process.

In 2008, The Commissioner will publish an issue paper on housing rights and guidelines on the implementation of the right to housing.

2. Role of national human rights structures

Leaning on the terminology of his terms of reference the Commissioner now uses the generic expression “National Human Rights Structures” (NHRs) to cover both Ombudsmen and National Human Rights Institutions (NHRIs). He considers these domestic institutions as key actors for the protection and promotion of human rights and the rule of law in the Council of Europe member States

2007 was a turning point for the Commissioner’s co-operation with the National Human Rights Structures reflecting his wish to move to a continuous, result oriented, relation.

To that effect, while respecting the independence of all those involved, first concrete steps were taken to establish an ongoing exchange of relevant information, which in turn allows for an increase in reciprocal and common actions at national and international level.

Partners of this emerging network are national, regional, local or thematic institutions which comply with the Paris Principles and abide by the Council of Europe’s values and are ready to share and discuss successful practices and explore new avenues of co-operation.

2.1 Preparation and launching of an enhanced co-operation

Until April 2007 activities focused on the definition and preparation of the enhanced co-operation, which the Commissioner wanted to propose to the National Human Rights Structures. The recommendations by the Group of Wise Persons in its final report to the Committee of Ministers on ways in which the Commissioner and the National Human Rights Structures could be of help for ensuring the long-term effectiveness of the protection mechanism of the European Convention on Human Rights were taken into account and the European Court of Human Rights and its Registry, the Directorate General for Human Rights and Legal Affairs, the Venice Commission and other relevant instances of the Council of Europe closely associated with the works. The same went for the associations of ombudsmen, i.e. the International Ombudsman Institute (IOI), the European Ombudsman Institute (EOI), and the European Group of National Human Rights Institutions.

In January 2007 a meeting was held in Berlin at the invitation of the Petitions Committee of the German Parliament between representatives of the members of the European Branch of the IOI and the Commissioner. The recommendations of the final report of the Group of Wise Persons (GWP), were discussed as well as the results of a survey carried out by the IOI on the possibilities for international co-operation offered by the mandates of ombudsmen. A representative of the National Human Rights Institutions participated in the meeting.

In March 2007 members of the Commissioners Office presented the Commissioner’s ideas of enhanced co-operation at a meeting of the International Coordinating Committee of European National Human Rights Institutions in Geneva. These ideas were compared to the needs, interests and possibilities of the National Human Rights Institutions.

Also in March the Commissioner himself had the occasion to explain his plans for an enhanced co-operation with the National Human Rights Structures at the colloquy organised in San Marino by the San Marino chairmanship on “The future developments of the European Court of Human Rights in the light of the Wise Persons’ report”.

Taking into account the discussion held so far with the National Human Rights Structures the Commissioner’s Office produced in April 2007 both a background paper on the rationale for and the possibilities of an enhanced co-operation with the National Human Rights Structures and a paper setting out 11 concrete proposals .

On 12 and 13 April 2007, the Commissioner and the Greek Ombudsman co-organised a Round Table in Athens to which the heads of the all nation-wide National Human Rights Structures of Council of Europe member States were invited, as well as representatives of the European Court of Human Rights and its Registry, the Directorate General for Human Rights and Legal Affairs, the Venice Commission and other relevant instances of the Council of Europe. The refined proposals for enhanced co-operation were discussed and met with approval of principle. The Conference thus launched a new phase of co-operation to help implement European human rights standards across member States by setting up an active network of the National Human Rights Structures in Europe and the Commissioner for Human Rights. For that purpose, the heads of the NHRs agreed to nominate "Contact Persons" within their institutions (initially named "Focal Points"), and several structures pledged to participate rapidly in pilot projects on specific issues. The timely exchange of selective information between the National Human Rights Structures and Commissioner's Office was seen as the major challenge of the co-operation as it would allow for concerted action at national and international level where appropriate.

This new phase of co-operation with the National Human Rights Structures was also presented in the Commissioner's views on the Group of Wise Persons final report, submitted to the Committee of Ministers on 19 April 2007.

In June 2007 the Commissioner wound up the work that had culminated in the Athens conference by publishing a document entitled "Conclusions of the Round Table and Perspectives". It contained a sort of road map for implementation of the enhanced co-operation.

2.2 Implementation of the enhanced co-operation

The implementation of the enhanced co-operation between the Commissioner and the NHRs started immediately after the publication of the conclusions.

A network of 40 Contact Persons was established to work with the specialised NHR Unit in the Office of the Commissioner. The first meeting of the Contact Persons was held in Strasbourg in November 2007. Decisions were taken with respect to the future information flow between the Office of the Commissioner and the National Human Rights Structures via the Contact Persons. Discussions were held on the work programme of the emerging network for the forthcoming years and on the possibilities of the Contact Persons to help the CDDH assess the implementation of two Committee of Ministers Recommendations made in 2004 (see below). The Contact Persons were provided with information on specific issues (access to the Committee of Ministers documents on the execution of judgments, the work of the Parliamentary Assembly on the regularisation programmes for irregular migrants, etc.).

Until the end of 2007 the Contact Persons and the Commissioner's Office engaged in helping the Steering Committee for Human Rights (CDDH) understand to what extent two of the Committee of Ministers Recommendations, which accompanied in 2004 the adoption of Protocol No. 14 to the ECHR, were being implemented at national level. An explanatory document with questions for the attention of the Contact Points was drafted by the Commissioner's Office in close co-operation with the Secretariat of the DH-PR (Committee of experts for the improvement of procedures for the protection of Human Rights) and by the end of the year almost all Contact Persons had provided the information requested.

2.3 Information for country visits and thematic reports

Country visits continued to include systematically meetings with the National Human Rights Structures, including regional or local ombudsmen and thematic ombudsmen, as appropriate. The information received from NHRs was used for the preparation of the Commissioner's country visits and of thematic reports.

2.4 Other NHRS related activities

So as to be able to adequately inform about the existing National Human Rights Structures in the member States the Commissioner's Office continued mapping all NHRs, including the regional and local ones. The information gathered was used on a number of occasions by partners within and outside the Council of Europe.

In the Summer 2007, the Commissioner's Office was auditioned by the French Senate and the National Assembly on a bill for the setting-up of an independent general inspectorate of places of detention including the question of its relationship with the existing institutions of the *Médiateur de la République* and the French National Consultative Commission for Human Rights.

2.5 The Eunomia Project

The Eunomia Project for the promotion of ombudsman institutions in South-Eastern Europe continued to be run by the Greek Ombudsman under the auspices of the Commissioner's Office, with scientific input from the European Ombudsman. In 2007, study visits and exchanges between the Greek Ombudsman's Office and those of the Ombudsmen of Armenia and Georgia were organised as well as, workshops on the ombudsman's role for bringing about "good administration" and on the defence of Roma rights by the ombudsman. Very importantly, a large part of the Eunomia funds for 2007 were used to prepare and hold the decisive Round Table in Athens. Over the four years of its implementation under the auspices of the Commissioner's Office, the project has proved to be an innovative and effective tool to establish and empower several local non-judicial institutions, to help improve institutional confidence and implement international human rights standards at national level.

2.6 The "Peer-to-Peer Project"

In 2007, the Commissioner's Office also designed a project proposal for a two-year joint programme to be co-financed by the Council of Europe and the European Union for setting-up an active network of independent non-judicial NHRs with special focus on non EU member States. The so-called "Peer-to-Peer Project" was approved and signed in December 2007 for implementation on 2008 and 2009. The project mainly aims at training staff members of NHRs on precise human rights issues.

3. Summary of activities

3.1 Introduction

The main objectives of the Commissioner's work are, in line with his mandate, to:

- foster the effective observance and enjoyment of human rights;
- assist member states in the implementation of Council of Europe human rights standards;
- identify possible shortcomings in the law and practice concerning human rights;
- promote education in and awareness of human rights in member states;
- facilitate the activities of national ombudspersons and other human rights structures; and
- provide advice and information regarding the protection of human rights.

The Commissioner's current activities aimed at fulfilling these objectives can be divided into three major categories: field visits and reports, thematic work, and promotion of national human rights structures.

The present report of activities covers the calendar year 2007. During the year, the Commissioner issued quarterly reports on the activities of the Office. The purpose of these is brief overview of the workings on a more daily basis, as well as a background for a discussion on how the Office can improve.

The quarterly reports thus present missions, visits, meetings, conferences and information work carried out in the quarter covered, also including a section on lessons learned and looking ahead to the next three months.

3.2 Field Visits and Reports

Country assessment missions

The Commissioner seeks to engage member states in a permanent dialogue and conducts official country missions for a comprehensive assessment of the human rights situation. The missions typically include meetings with the highest representatives of government, parliament, the judiciary, as well as leading members of human rights protection institutions and the civil society. The Commissioner also visits institutions and sites with particular human rights relevance such as prisons, police stations, shelters for victims of violence, facilities for accommodating asylum-seekers, psychiatric institutions and schools. The Commissioner's reports of the visits contain both an analysis of the human rights situation and detailed recommendations about possible ways of improvement. The reports are presented to the Council of Europe's Committee of Ministers and the Parliamentary Assembly. Subsequently they are published and widely circulated in the policy-making and NGO community as well as the media.

In 2007, Commissioner Thomas Hammarberg, carried out the following missions for the purpose of preparing regular country assessment reports:

| | |
|-------------------------|------------------------|
| 21-25 May | Austria |
| 4-8 June | Bosnia and Herzegovina |
| 3-7 September | Azerbaijan |
| 7-11 October | Armenia |
| 20 October – 1 November | Albania |
| 26-30 November | Ireland |

A few years after the official visit to a country, members of the Commissioner's Office carry out a follow-up visit to assess the progress made in implementing the recommendations laid out in the country assessment report. The Commissioner subsequently issues a follow-up report. In 2007, the Office of the Commissioner visited Sweden.

In 2007, the following reports were presented to the Committee of Ministers

- Follow-up memorandum on Latvia, Lithuania and Sweden (16 May)
- Follow-up memorandum on Poland (20 June)
- Assessment report on Germany, Follow-up memoranda on Denmark and Estonia (11 July)
- Oral presentation to Ministers' delegates on Ukraine assessment report (27 September). Publication of report postponed to after general elections on 30 September.
- Assessment report on Austria (12 December)

By the end of 2007, there remained 7 member states which had not yet been visited by the Commissioner for the preparation of an assessment report.

Contact and special visits

The Commissioner also carries out contact visits aimed at strengthening the continuous dialogue with national authorities and civil society as well as special visits to address specific concerns.

In 2007, the following contact and special visits were carried out:

| | |
|--------------------------|--|
| 9 February | Belfast, Northern Ireland – United Kingdom |
| 12-16 February | Georgia, focusing on the frozen conflict in relation to Abkhazia and South Ossetia |
| 26 February | North Ossetia, Russian Federation |
| 27 February – 1 March | Chechnya, Russian Federation |
| 2 March | Moscow, Russian Federation |
| 20 March | Warsaw, Poland |
| 28-30 March | New York, USA on Bosnian police officers decertified by the UN International Police Task Force |
| 20-21 April | Sarajevo, Bosnia and Herzegovina, on Bosnian police officers decertified by the UN International Police Task Force |
| 3-4 May | Nicosia, Cyprus |
| 8-9 May | Chisinau, Moldova |
| 20-21 September | Bucharest, Romania |
| 30 September – 2 October | Riga, Latvia and Tallinn, Estonia |
| 21-22 October | Ankara, Turkey |
| 16 November | Oslo, Norway |
| 3 December | Helsinki, Finland |

Subsequently, the following reports on special missions were presented:

- Special report on the issue of decertified Police Officers in Bosnia and Herzegovina, following his visit on 20-22 December 2006 (17 January 2007)
- Oral report to Ministers' delegates on special missions to Bosnia and Herzegovina and Georgia ((21 February)
- Oral report to Ministers' delegates on special mission to North Caucasus and Moscow (21 March)
- Presentation to GR-DM of the Committee of Ministers of interim report on human rights linked to regional conflicts in Abkhazia and South Ossetia, Georgia (15 November)

3.3 Thematic Work

Thematic priorities

The thematic priorities of the Commissioner are mainstreamed in all activities of his Office. They are given particular consideration during country missions and in the organisation of events, preparation of thematic documents and the Commissioner's participation in conferences.

In 2007, fight against racism and xenophobia, non-discrimination and the rights of migrants were the thematic priorities in the Commissioner's work. All these issues are closely inter-related and require continuous attention in all member states of the Council of Europe. Women, members of Roma, Muslim and Jewish communities, lesbian, gay, bisexual and transgender persons as well as migrants, including irregular migrants, received particular attention as victims of racism, xenophobia or discrimination.

In line with his priorities, the Commissioner supported the Council of Europe campaigns "All different – All equal"; "Dosta! – Fight prejudices towards Roma"; "Building a Europe for and with Children"; "Stop domestic violence against women"; and "Human being - not for sale".

Thematic reports: issue papers and viewpoints

The Commissioner issues thematic reports, recommendations, opinions and papers on human rights themes.

On the 18 December, International Migrants' Day, the Commissioner published his Issue Paper on "The human rights of irregular migrants in Europe". The document reviews the factors underlying irregular migration to Europe and the special vulnerability of those migrants. It further recalls the latter's rights and describes frequent obstacles to their enjoyment. It contains 12 concluding remarks for action.

Commissioner Thomas Hammarberg continued with the fortnightly publication of viewpoints, published on his web-site, which take a clear standpoint on topical human rights concerns. In 2007, the following viewpoints were published on the Commissioner's web-site:

- "It is wrong to punish the child victims" (8 January)
- "Europe's growing Islamophobia must be tackled" (22 January)
- "We must learn from our bitter history" (5 February)
- "Prevent trafficking in human beings by addressing the root causes" (19 February)
- "Prisoners should be treated with dignity" (5 March)
- "Lustration must not turn into revenge against former collaborators" (19 March)
- "Roma job seekers are discriminated against" (2 April)
- "The Greek case became a defining lesson for human rights policies in Europe" (18 April)
- "Judges must be independent and protected from both political and economic pressure" (30 April)
- "Homophobic policies are slow to disappear" (16 May)
- "Racial and religious profiling must not be used in the combat against terrorism" (29 May)
- "Do not criminalize critical remarks against religions" (11 June)
- "Security agencies must be put under democratic control" (25 June)
- "Europe is not free from child poverty – concrete action is needed" (9 July)
- "Victims of human rights violations deserve more" (23 July)
- "Children in migration should get better protection" (6 August)
- "The slow march towards gender balance in politics" (20 August)
- "States should protect the right of individuals to apply to the Strasbourg Court" (3 September)
- "Investigative journalists and whistle blowers must be protected" (17 September)
- "Media diversity: a core element of true democracy" (1 October)
- "Long delays in court proceedings threaten the rule of law" (15 October)
- "No one should have to be homeless – adequate housing is a right" (29 October)
- "Time to re-examine the use of life sentences" (12 November)
- "Listen seriously to the views of children" (19 November)
- "There must be no impunity for police violence" (3 December)

- “The new European migration policy should be based on human rights principles, not xenophobia” (17 December)

Commissioner Thomas Hammarberg released a book with 26 of his viewpoints written during his first year in office. The book is available for free in English, French and Russian.

Events

Aiming to promote awareness of human rights and to explore specific concerns the Commissioner organises workshops and conferences on topical questions. The Commissioner and his Office also contribute to debates on human rights through their participation in major conferences.

In 2007, the Commissioner organised or co-organised the following events:

- CommHR seminar on anti-terrorism measures and data protection (Strasbourg, 1 June)
- Consultation with inter-governmental and non-governmental top officials in the field of human rights for discussion on strategies for improvements in Europe (Strasbourg, 17 April)
- CommHR Workshop on Housing Rights (Budapest, 24-25 September)
- CommHR Meeting with National Human Rights Structures contact persons (Strasbourg, 6-7 November)
- CommHR Janusz Korczak Lecture and Child Rights event (Warsaw, 20 November)

The Commissioner or his Office participated in the following major events during 2007:

- Consultation with Ombudsmen about structured cooperation (Berlin, 10 January)
- Conference on the death penalty (Paris, 1 February)
- Visit to Northern Ireland and lecture on children (Belfast, 7-8 February)
- Child migration conference (Warsaw, 20-21 March)
- “Wise Persons” Conference (San Marino, 22-23 March)
- Visit to UN re BiH Police Officers (New York, 29-30 March)
- The conference with national human rights structures (Athens, 12-13 April)
- Participation in the PACE human rights day (Strasbourg, 18 April)
- CoE conference on cultural/religious dialogue (San Marino, 23-24 April)
- Commissioner visit to an NGO conference in (Nicosia, 3-4 May)
- Participation in CoE Democracy Forum (Stockholm, 13-15 June)
- Summer University of Democracy (Strasbourg, 2 July)

- Seminar on ECHR judgements on Chechnya (Moscow 3-4 July)
- Meeting with journalists and HR activists (London, 7 July)
- Conference on "International Justice for children" (Strasbourg, 13-14 September)
- World day Against Poverty (Strasbourg, 17 October)
- Report on Turkey to EU Presidency meeting, Brussels (Belgium, 24 October)
- CoE Conference with Ministers of Justice (Lanzarote, 25-26 October)
- European Day of Action for Journalists Rights, European Federation of Journalists (Brussels, 5 November)
- Regional Meeting World Programme on Human Rights education (Strasbourg, 6 November)
- Committee of Ministers' Rapporteur Group on Democracy (GR-DEM) on Georgia (Abkhazia/South Ossetia)
- Seminar on Ombudswork (Oslo, 16 November)
- NGO "Human Rights Days" (Stockholm, 19 November)
- COSCE meeting on Fundamental rights Agency (Brussels, 23 November)
- Conference on rights of Roma women (Stockholm, 3 December)
- Conference on Roma Rights (Nafplion, 7-8 December)

3.4 External Relations

In the implementation of his broad mandate the Commissioner for Human Rights of the Council of Europe Thomas Hammarberg continued throughout 2007 to consult and co-operate with the main relevant international partners. As will appear from the separate sections devoted to those partners, this cooperation generally took the form of bilateral meetings, contacts, exchanges of notes and documents, initiatives or activities.

On one occasion, the Commissioner organised a roundtable in Strasbourg bringing together leading representatives of the United Nations (UN), Organization for Security and Co-operation in Europe (OSCE) and European Union (E.U.) as well as key non governmental human rights organisations. Taking place on 17 April 2007 as a side event to the PACE debate on human rights, the roundtable was supported and addressed by the President of the PACE René van der Linden. The discussions focused on the challenges and perspective for ensuring better protection and promotion of human rights in Europe. It contributed to the strengthening of common approaches and informal working methods.

European Union

The Commissioner entertained regular contacts with the Commission of the European Union as well as the EU Council's Presidency and working groups. The Commissioner had several bilateral meetings with EU Commissioners.

On 19 June, he met the EU Commissioner on External Relations and European Neighbourhood Policy, Benita Ferrero Waldner. They discussed recent visits of the Commissioner, as well as general issues of cooperation. On 23 November the Commissioner met the Vice-President Franco Frattini, EU Commissioner for Justice, Freedom and Security. The future co-operation with the Fundamental Rights Agency was on their agenda, as were EU initiatives and draft policies concerning migrations and the fight against terrorism.

Upon the invitation of the EU Presidency, the Commissioner attended two meetings of the EU Council Working Group on the OSCE and COE (COSCE). On 27 April, he discussed the cooperation between Commissioner's office, the EU and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), presented his own priorities and upcoming agenda and responded to questions from delegations. On 23 November he presented his views on the future cooperation with the European Fundamental Rights Agency. Arguing for an open and constructive attitude towards the Agency, he stressed that the next few months would be crucial for establishing the relationship on sound grounds.

On 23 October, the Commissioner shared his views on various aspects of the human rights situation in Turkey with the EU Working Group on Enlargement. In addition, he had consultations with the EU Special Representative on Human Rights, Ambassador Riina Kionka.

The Commissioner also regularly liaised with the field presences or delegations of the EU-partners during his country visits.

The Commissioner has also met with members of the EU Parliament. Talks have been going on for the preparation of a hearing in the Committee on Civil Liberties, Justice and Home Affairs (Libé Committee), which had to be postponed to the Spring of 2008. Staff from the Commissioner's Office has been liaising regularly with the EU Parliament Secretariat and taken part as observers in various working sessions. .

In 2007, The EU Commission decided to co-fund a two years "Peer-to-Peer" project designed and implemented by the Office of the Commissioner, aimed at staff members of National Human Rights Structures. Through trainings, peer review activities and exchanges of good practices, the programme aims at empowering these structures to help prevent or find solutions to human rights violations with an increased effectiveness.

United Nations

a) UN Security Council

As a follow up to a special mission to Sarajevo in December 2006 on the issue of police officers in Bosnia and Herzegovina who had been decertified through a vetting procedure organised by a UN International Police Task Force, the Commissioner went to New York on 28 – 30 March. He had talks with representatives of UN Security Council member states. He confirmed that in his view the vetting process had not been sufficiently transparent and no adequate appeals had been put in place. The decision to bar officers from duty "for life" had generated a social stigma. He argued that the UN Security Council should take up the matter swiftly and should allow a review of the initial decisions by the authorities of Bosnia and Herzegovina.

b) OHCHR

The Commissioner visited the United Nations High Commissioner for Human Rights Louise Arbour on 3-4 April 2007.

During this visit, both sides expressed their interest in developing an open, informal and ongoing exchange of information on normative and procedural developments within the European and international human rights protection systems. They discussed the new UN Convention on rights of persons with disabilities, possible campaign for a global moratorium on death penalty, prohibition of torture, internally displaced persons, minority issues, trafficking of human beings and human rights aspects of migration. In addition they exchanged views on different country situations.

The UN High Commissioner took part in the Roundtable on the challenges and perspectives for ensuring better protection and promotion of human rights in Europe, organised by Commissioner Hammarberg on 17 April in Strasbourg.

c) UNHCR

The Office of the Commissioner has been in regular contact with the Office of the High Commissioner for Refugees throughout the year.

During a visit to Geneva in April 2007, the Commissioner and UNHCR staff discussed areas of concern regarding asylum, internal displacement and migration, exchanging information on the most recent developments of relevance. In particular issue of detention of asylum seekers and their conditions of detention were addressed. Each side was made aware of new information tools, which would facilitate their work. Furthermore, they exchanged information on country situations.

The Commissioner met with the United Nations High Commissioner for Refugees António Guterres in Strasbourg on 27 June.

The themes of discussion included rescue at sea and the need for burden-sharing, the use of tolerated stay for those seeking asylum and the issue of statelessness.

Regular contacts have been maintained throughout the year with the Strasbourg office of the UNHCR on a number of regional or national developments affecting the situation of refugees or illegal migrants.

In June, the Commissioner encouraged the Government of Bosnia and Herzegovina to seek the advice of the Office of the UNHCR when exploring ways that would allow people under temporary admission not to be sent back to Kosovo at that particular moment.

During country visits, systematic contacts were made with UNHCR representatives.

d) Other UN Institutions

On 24 October the Commissioner together with the UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari, issued a joint statement urging governments to take positive steps to protect the housing rights of Roma in Europe. Both the Commissioner and the Special Rapporteur have received an increasing number of reports of evictions of Roma communities which have been carried out in violation of human rights standards.

OSCE/ODIHR

On 27 September 2007, the Commissioner addressed the Roma and Sinti Special Day of the OSCE Human Dimension Implementation Meeting in Warsaw. In his opening speech, Commissioner Hammarberg called for an enhanced political participation of Roma and made recommendations to ensure that this right is respected.

On several occasions, quick consultations with Ambassador Christian Strohal, Director of OSCE's Office for Democratic Institutions and Human Rights, took place on a variety of topics of common interest. A close cooperation with Andrzej Mirga, ODIHR Senior Adviser on Roma and Sinti Issues was further developed.

The Commissioner also met with Eva Biaudet, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

The Commissioner kept close relations with the Offices of Knut Vollebaek, OSCE High Commissioner on National Minorities (as with his predecessor, Rolf Ekéus), and Miklos Haraszti, OSCE Representative on Freedom of the Media in the context of assessment and contact visits made at different times throughout the year.

The Commissioner maintained contact with the OSCE field missions during his country visits.

4. Staff and Budget

Following the priority attached to the Commissioner's institution at the Warsaw Summit of Heads of State and Government in 2005, the regular budget for 2007 made provisions for two more permanent administrators (grade A2/3) and one further assistant. The ordinary budget appropriations for 2005 and 2006 amounted respectively to 1,179,600 and 1,639,600 euros. In 2007, the ordinary budget appropriations of the Commissioner's Office rose to 1,719,500 euros. They represent about 1% of the total ordinary budget of the Council of Europe.

The provisions for more permanent staff resulted in a permanent staff budget of 1,099,000 euros in 2007. Due to uncertainties and delays in the process of filling some of the newly created positions, 58,800 euros from that amount was transferred to the temporary staff budget. The Commissioner's regular operational budget in 2007 remained low, in the range of 250,000 euros. Because of this situation, the Commissioner had again to substantially rely on voluntary contributions by individual member states.

By the end of year 2007, the total number of permanent positions in the Commissioner's Office was 14 (8 A, 6 B) with 13 of them actually filled with permanent staff. Throughout the year, there had been an average of 7 temporary staff (one of them part-time) employed as well, several of them on specific projects funded by voluntary contributions. Staff were also seconded by the Governments of Finland, Turkey, Ireland, Switzerland (as from June), France (as from November) and by the Council of Europe Development Bank (as from May).

The long-term aim of the Commissioner is that the core tasks of his Office are carried out by permanent staff. The Commissioner estimates that this would require approximately 25 positions for permanent staff. A few seconded officials and project officers on limited duration contracts would supplement the core team.

In 2007, the Commissioner benefited from a total amount of 530,000 euros in voluntary contributions by the Governments of Finland, Greece, Ireland, Luxembourg, the Netherlands, Spain, and the United Kingdom. The Commissioner expresses his gratitude for the voluntary contributions.

ORDINARY BUDGET 2007

| Article | Budget |
|--|------------------|
| Article Budget | |
| Remuneration of permanent staff | 1 099 000 |
| Remuneration of temporary staff | 20 500 |
| Emoluments of the Commissioner for Human Rights | 199 400 |
| Secondments | 700 |
| Interpretation | 56 000 |
| Translation | 92 100 |
| Document production and distribution | 15 800 |
| Communication, office supplies, misc. | 15 000 |
| Operational expenditure | 221 000 |
| TOTAL | 1 719 500 |