



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Strasbourg, 17 September 2014

CommDH(2014)17

2ND QUARTERLY ACTIVITY REPORT 2014

**by Nils Muižnieks
Commissioner for Human Rights**

1 April to 30 June 2014

Presented to the Committee of Ministers
and the Parliamentary Assembly

CONTENTS

1. Overview.....	3
2. Missions and Visits	4
3. Reports and continuous dialogue.....	7
4. Themes	12
5. Other Meetings	15
6. Human rights defenders.....	16
7. Communication and Information work.....	16
8. Next three months.....	18
9. Observations and reflections	19

1. Overview

In the second quarter of 2014, I devoted a considerable amount of attention in my country, thematic and communications work to two important human rights issues that are not covered by dedicated monitoring mechanisms within the Council of Europe – media freedom and children’s rights. Though the OSCE has a Special Representative on Freedom of the Media which covers all Council of Europe member states, there is no Council of Europe treaty body or expert group that can intervene in urgent situations. Thus, I feel that I have a special responsibility in this regard, as media freedom is an essential pillar of democratic societies, a key component of the right to freedom of expression and a crucial precondition for the realisation of other rights, such as freedom of assembly and association, as well as the right to free and fair elections. All Council of Europe member states are parties to the UN Convention on the Rights of the Child. I frequently invoke this convention, as well as the case law of the Strasbourg Court regarding children. All too often, I have found that the best interests of the child are not a primary consideration for states.

When appropriate, I have made media freedom an area of focus in a country report. In the quarter under review, this was the case in a report following a visit to Montenegro and in an update to a report on Azerbaijan. In Montenegro, I concentrated on the need for effective investigations into a series of attacks on journalists, the need for political leaders to exercise restraint in their criticism of journalists, and the desirability of strengthening ethical standards in journalism. Regarding Azerbaijan, I criticised the unjustified and selective criminal prosecution of people expressing dissenting views, as well as the need to decriminalise defamation.

During the three months under review, I made a number of interventions through social media on the protection of journalists, including in Azerbaijan, Russia, Spain and Ukraine. On press freedom day, I published an opinion piece that appeared in media outlets in Italy, Slovenia, Greece, and the Western Balkans region and was mentioned in a number of other contexts. Together with the UN Special Rapporteur on Freedom of Expression Frank la Rue and the OSCE Special Representative on Freedom of the Media Dunja Mijatović, I published an editorial in the Italian daily *Corriere della Sera* calling for the decriminalisation of defamation. I also participated in a roundtable on the safety of journalists and the European Dialogue on Internet Governance, where I discussed the importance of maintaining the Internet as a space of free expression without undue blocking or filtering by governments.

Children’s rights were one of the areas of focus in country visits to Romania and the Netherlands. In Romania, the primary concerns are the situation of children left behind by their parents who have migrated elsewhere in Europe and the large number of street children and children living in institutional care. In the Netherlands, I expressed concern about the detention of migrant children, the need to observe the best interests of the child in the procedure for granting residence permits, and the right to inclusive education of children with disabilities. I also published a human rights comment on protecting children’s rights on the internet and gave a keynote address at an international conference on child-friendly justice. In a human rights comment and a presentation at the IDAHO conference, I also addressed the interplay of children’s rights and LGBTI rights. LGBTI children need special protection, especially from bullying in schools. Children have the right to access objective information about sexuality and gender

diversity and children's rights should not be invoked to restrict the rights of LGBTI persons.

2. Missions and Visits

Visit to Romania

The Commissioner carried out a visit to Romania from 31 March to 4 April, focusing on certain issues pertaining to the human rights of persons with disabilities, of children, and of Roma.

During his visit the Commissioner held discussions with the Romanian authorities, including the Minister of Foreign Affairs, Mr Titus Corlăţean, the Minister of Justice, Mr Robert Cazanciuc, the Minister of National Education, Mr Remus Procopie, the Minister of Health, Mr Nicolae Bănicioiu, the Prosecutor General, Mr Tiberiu Mihail Niţu, the Secretary of State for Persons with Disabilities in the Ministry of Labour, Family, Social Protection and Elderly, Mr Codrin Scutaru, the Undersecretary of State in the Ministry of Interior, Mr Doru Dumitrescu, and the president and vice-president of the Superior Council of Magistrates, Mr Adrian Bordea and Mr Gheorghe Muscalu. In addition, the Commissioner met with the interim Ombudsperson, Ms Ecaterina Teodorescu and the deputy Ombudspersons Ms Erzsébet Dáné and Mr Ionel Oprea, the president of the National Council for Combating Discrimination, Mr Csaba Ferenc Asztalos, the president of the Romanian Institute for Human Rights, Ms Irina Moroianu Zlătescu, the president of the National Agency for Roma, Mr Daniel Vasile, and the presidents of the Human Rights Committees of the two chambers of the Parliament of Romania, Mr Nicolae Păun (Chamber of Deputies), and Ms Rozália Biró (Senate).

The Commissioner also met with a number of non-governmental organisations and carried out visits to residential and non-residential institutions for children with disabilities and to the Ferentari neighbourhood in Bucharest, where the largest Roma community of the city resides. He also participated in a round-table which focused on institutionalised persons' access to justice.

At the end of his visit the Commissioner expressed concern at the numerous reports on cases of inhuman and degrading treatment of persons with disabilities, including children, living in closed institutions. He underlined that Romania needs to set up an efficient national mechanism for the prevention of torture to safeguard the protection of the human rights of persons deprived of their liberty. At the same time, a strong commitment to deinstitutionalisation and to promoting the autonomy of persons with disabilities is needed. Legislative measures should also be taken to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

Concerning children, the Commissioner was worried about the situation of more than 80 000 children left behind by their parents who work abroad and urged the authorities to strengthen the protection of abandoned children. Urgent measures also need to be taken to provide the necessary health care and to ensure the social inclusion of some 6 000 street children living in Bucharest and other cities of Romania. The re-establishment of the National Authority for the Protection of the Rights of the Child and Adoption is a

positive development which should give a new impetus to the authorities' efforts to combat negative trends affecting in particular children from disadvantaged social groups.

The Commissioner welcomed the measures taken by the authorities for the registration of almost 5 000 Roma children and the issuing of identification documents to more than 30 000 adults. However, he expressed concern that despite progress in including Roma children and youth in the education system, the reported drop-out rate of Roma pupils, 36%, is still too high.

Lastly, while noting with satisfaction the anti-discrimination framework existing in the domestic legislation and the work of the National Council for Combating Discrimination, the Commissioner urged the authorities to step up action against hate crime. Particular attention needs to be paid to the recording of hate speech and hate crimes and ensuring that law enforcement officers and legal professionals are adequately and systematically trained to be able to recognise and effectively investigate and sanction crimes committed notably with a racist motive.

The Commissioner's report following this visit was published on Tuesday 8 July.

Mission to Malta

The Commissioner went to Malta from 13 to 15 May and attended the IDAHO Forum, as detailed below. In the context of this mission Commissioner Muižnieks held meetings with the Minister for Home Affairs and National Security, Mr Emmanuel Mallia, the Commissioner for Children, Ms Helen D'Amato, and the Board of Visitors for Detained Persons. He also met with the head of the UNHCR Office in Malta, as well as with a number of human rights non-governmental organisations. Furthermore, the Commissioner visited an open reception centre for migrants in Marsa. The discussions focused in particular on the systematic nature, the conditions and length of migrants' detention, as well as on the domestic remedies available to migrants for challenging the lawfulness of their detention.

Visit to the Netherlands

The Commissioner visited the Netherlands from 20-22 May 2014. The aim of the visit was to review certain human rights issues, with a focus on the legal and institutional framework for the protection and promotion of human rights and on the human rights of children and migrants, including asylum seekers.

During his visit, the Commissioner held meetings with national authorities including the Minister of the Interior and Kingdom Relations, Mr Ronald Plasterk; the Minister of Security and Justice, Mr Ivo Opstelten; the Secretary of State of Security and Justice and Minister of Migration, Mr Fred Teeven; and the Minister of Social Affairs and Employment, Mr Lodewijk Asscher. He also met the Director of Secondary Education in the Ministry of Education, Culture and Science, the Deputy Director of the General Intelligence and Security Services, and the Deputy Director of the Military Intelligence and Security Services. The Commissioner also held discussions with members of the Parliamentary Committee of the Interior of the House of Representatives and of the Review Committee for the Intelligence and Security Services and met with the Acting National Ombudsman, the Children's Ombudsman, the Chair and members of the Netherlands Institute for Human Rights and the Vice-Chair of the Advisory Committee

on Migration Affairs. He also held meetings with representatives of international and non-governmental organisations.

The Commissioner welcomed the solid legal and institutional framework for the protection and promotion of human rights in the Netherlands, recently strengthened by the establishment of the Children's Ombudsman in 2011 and the Netherlands Institute for Human Rights in 2012 and by the adoption of the country's first National Human Rights Action Plan. He invited the Dutch authorities to build on these important initiatives by including ambitious and measurable goals in the Action Plan and ensuring adequate funding for the Netherlands Institute for Human Rights.

As regards the human rights of migrants, the Commissioner focused in particular on administrative detention. While noting the decreasing use made of it, he stressed that progress was still needed to ensure that administrative detention of migrants was used as a last resort only, in accordance with the Netherlands' human rights obligations. Following a visit to Schiphol airport's migrant detention centre, the Commissioner stressed in particular the need to stop automatic detention of asylum seekers arriving at Dutch international (air)ports from non-Schengen countries, drawing special attention to the detention of children and their families.

The Commissioner also focused on the need to treat the best interests of the child as a primary consideration in all decisions relating to asylum and migration, in compliance with the UN Convention on the Rights of the Child. In his discussions, he addressed in particular the procedure for granting residence permits (*kinderpardon*) to certain minor asylum seekers who have lived in the Netherlands for more than five years, which he encouraged the Dutch authorities to apply in a more inclusive way.

Following a visit to an empty church in The Hague, where irregular migrants had been living in camp-like conditions for more than one year, the Commissioner focused on the necessity to ensure that basic needs of persons at immediate risk of destitution are met, including shelter, clothing and food. More generally, the Commissioner discussed the protracted situation of legal limbo of many irregular migrants in the Netherlands who cannot be returned and the need to address this situation in a manner that is both humane and human-rights compliant.

As regards children's rights, the Commissioner paid particular attention to issues relating to juvenile justice, including the availability of child-friendly procedures for all children in conflict with the law and the minimum age of criminal responsibility. He also focused on the interplay between poverty and children's rights, on the rights of child victims of abuse, and on the right of children with disabilities to inclusive education in mainstream schools.

The Commissioner's report following this visit is forthcoming.

Mission to Ukraine (Kyiv and Odesa)

The Commissioner carried out a visit to Ukraine from 16 to 19 June, which included Kyiv and Odesa, where he took stock of a number of human rights and humanitarian issues related to the ongoing crisis and discussed police and judicial reforms.

During his visit, the Commissioner held meetings with the Minister of Justice, Mr Dmytro Petrenko, the First Deputy Minister of Foreign Affairs, Ms Natalia Halibarenko, the Deputy Minister of Internal Affairs, Mr Mykola Velychkovych, the Acting Chief Prosecutor, Mr Oleg Mahknitskiy, as well as representatives of the Office of the Presidential Commissioner for Children's Rights. In addition, he met Mr Mustafa Dzhemilev, member of the Ukrainian Parliament (*Verkhovna Rada*) and former Chairman of the Mejlis of the Crimean Tatar People. In Odesa, the Commissioner met Mr Sergiy Kalinchuk, the Deputy Governor of the Odesa region, and Mr Anatoliy Orlovski, Deputy Mayor. In both Kyiv and Odesa, the Commissioner had meetings with representatives of international and non-governmental organisations.

The Commissioner strongly encouraged the Ukrainian authorities to pursue reforms in the areas of law enforcement, the public prosecutor's office and the judicial system, and stressed that ensuring effective investigations into human rights violations is essential to restoring public trust in institutions. He recommended that the adoption of the draft law on the public prosecutor's office, having regard to Council of Europe recommendations in this area, not be delayed.

The 2 May events in Odesa, which claimed the lives of 48 persons, were a focus of the Commissioner's attention during his visit to the city. Among his interlocutors was a group of journalists and experts from civil society assembled at the initiative of the regional governor, which sought to establish the facts surrounding the tragedy without interfering in the official investigation into those events.

The Commissioner also talked with several internally displaced persons (IDPs) from Crimea and from the Donetsk and Luhansk regions in eastern Ukraine. He is deeply concerned about reports of human rights violations in those regions causing persons to flee. The regional authorities in Odesa informed the Commissioner that 50 to 60 persons fleeing the Donetsk and Luhansk regions were arriving each day at the city's train station. As of 23 June, UNHCR estimated that there were 46,100 IDPs from different regions in Ukraine. Since then, the figures have increased considerably. While welcoming the support extended by NGOs, volunteers and local and regional authorities, the Commissioner underlined that this would not be sufficient to meet the demands of displaced persons, which include women, children and persons with disabilities, many of whom have been traumatised by hostilities.

Following the visit, the Commissioner addressed the Parliamentary Assembly of the Council of Europe during the debate on current affairs which concerned the humanitarian consequences of the crisis in Ukraine. He also sent a letter to Ukrainian Prime Minister Arseniy Yatsenyuk in which he made several recommendations concerning the situation of internally displaced persons.

3. Reports and continuous dialogue

Observations on the human rights situation in Azerbaijan

On 23 April, the Commissioner published his observations on the human rights situation in Azerbaijan, with a focus on freedom of expression, assembly and association and on the right to property. Following up on a report he published in August 2013, the

Commissioner regrets a deterioration of the situation in these human rights areas and calls once again on the Azerbaijani authorities to pay urgent attention to them, so as to comply with the country's human rights obligations and commitments as a member state of the Council of Europe.

Referring to unjustified and selective criminal prosecution of people expressing dissenting views, the Commissioner deplored in particular a series of arrests reportedly based on charges which lack credibility. This includes the arrests of Parviz Hashimli, a journalist with the Bizim Yol newspaper, online activist Abdul Abilov and blogger Omar Mammadov. The Commissioner was also concerned by the recent conviction of the journalist, academic and minority rights defender Hilal Mammadov, as well as of Tofiq Yagublu, deputy chair of the opposition political party Musavat and journalist with the Yeni Musavat newspaper, and Ilgar Mammadov, Chair of the Republican Alternative Civic Movement.

The lack of progress with regard to the decriminalisation of defamation and the adjudication of disproportionate damage awards applied in civil proceedings also remain a serious obstacle to Azerbaijan's compliance with Council of Europe recommendations and the case-law of the European Court of Human Rights.

Further reasons for concern come from the additional restrictions to the activities of non-governmental organisations introduced by law in February 2014. The Commissioner stressed that this new law worsens an already cumbersome situation in which NGO activities were disproportionately restricted. He emphasises that the authorities should alleviate, rather than complicate the administrative requirements for NGOs.

Furthermore, a number of peaceful protests had recently been dispersed by the police, sometimes with excessive force, and participants had been arrested and sentenced to administrative detention and fines. The Commissioner stressed that the authorities should apply the notification procedure foreseen by the law in accordance with European standards, which establish that no authorisation should be required for the holding of public demonstrations, and seek to facilitate and protect public assemblies at the organisers' preferred location.

The Commissioner also expressed concerns about the arrest of Anar Mammadli, Chairman of the Election Monitoring and Democracy Studies Center, under investigation for illegal business, tax evasion and abuse of power. These investigations appeared to be linked to the problems of registration faced by his organisation. The Commissioner stressed that less restrictive NGO legislation would enable NGOs to pursue their public watchdog function in an environment more conducive to their work.

Lastly, the Commissioner expressed concerns that demolitions of houses and violations of property rights continued and called on the authorities to ensure that all persons affected by expropriations have access to an effective remedy at national level. Any further expropriations and demolitions must be carried out in a lawful and transparent manner and come with fair compensations, set at market value.

The observations of the Commissioner are available on the Commissioner's website, along with the authorities' comments.

Report on Georgia

On 12 May, the Commissioner published a report following his visit to Georgia from 20 to 25 January, focusing on the administration of justice and the protection of human rights in the justice system as well as minorities, tolerance and non-discrimination.

The Commissioner expressed support for the reforms aimed at liberalising the criminal justice system, reducing resort to pre-trial detention, enhancing judicial independence and ensuring compliance with human rights principles. He stressed the importance of improving the equality of arms in legislation and in practice, and of proceeding with the reform of the plea-bargaining system. While noting a decrease in the concordance between judges and prosecutors, the Commissioner encouraged further efforts to safeguard and reinforce judicial independence and to shield judges from undue interference. With a view to bolstering the effectiveness and professionalism of the Chief Prosecutor's Office, the Commissioner highlighted that recruitment and career development of prosecutors should follow fair and impartial procedures and be based on merit. Concerns about shortcomings in investigations of alleged human rights violations have been raised. In addition, systemic action should be taken to address any deficiencies in the criminal investigations and judicial processes in cases involving opponents, as this can cast doubt on the outcome of the cases concerned, even if there have been solid grounds for the charges retained and final convictions.

While welcoming reported improvements in the treatment of prisoners and noting other significant reforms in the prison system, in particular in the field of health care, the Commissioner reiterated the importance of ensuring accountability of those responsible for ill-treatment through human rights-compliant procedures and providing accurate information to the public about the proceedings concerned. The complaints submitted after October 2012 should be properly assessed, cases of serious human rights abuse prioritised and victims provided with redress. The Commissioner called upon the Georgian authorities to protect privacy rights, in particular by regulating surveillance activities and by ensuring proper control and oversight. The continued presence of surveillance equipment in the premises of telecommunication operators giving the Ministry of Internal Affairs direct and unrestricted access to all communications should be addressed.

The Commissioner welcomed the adoption of comprehensive anti-discrimination legislation, but recommended that strong implementation mechanisms be instituted with the power to sanction instances of discrimination, and encouraged the authorities to undertake a public awareness campaign on the new anti-discrimination legislation and its implementation. Moreover, the Commissioner recommended additional efforts to combat hate crimes, and strongly emphasised the importance for the authorities, public actors and community leaders to send an unambiguous message in favour of tolerance and against violence, hate speech, and discrimination. It should be made clear that violence against LGBTI persons will not be tolerated.

With regard to the situation of ethnic and religious minorities, the report highlighted the need to pursue integration efforts while respecting the rights of minorities to maintain their language, culture and identity. As the lack of knowledge of the Georgian language remains an impediment in accessing rights and services by persons belonging to national minorities, the Commissioner encouraged the Georgian authorities to enhance their efforts in providing quality teaching in both Georgian and minority languages at all

levels of the education system. He also stressed the importance of supporting the participation of minorities in the social, political, economic and cultural life of the country, and urged the Georgian authorities to resolve the remaining legal and practical obstacles to the repatriation and integration of the Meskhetian population.

The Commissioner welcomed the possibility provided since July 2011 for religious groups and organisations to register as legal entities, and encouraged the Georgian authorities to resolve remaining issues related to confiscated and disputed religious properties. However, he was concerned to note a rise in intolerance and attacks against members of religious minority groups. It appeared that law enforcement bodies had not always provided protection to members of minority groups and that there had been a lack of effective investigation into the incidents concerned. The Commissioner recommended that the Georgian authorities make further efforts to ensure respect for religious freedoms in practice, including by addressing alleged instances of religious discrimination in schools.

The report is available on the Commissioner's website, along with the authorities' comments.

Report on Montenegro

On 23 June the Commissioner published a report following his visit to Montenegro from 17 to 20 March 2014, focusing on major issues pertaining to post-war justice and reconciliation, action against discrimination and freedom of the media.

In his report the Commissioner commended the important role played by Montenegro in the regional process of establishing and recognising the truth about the 1990s' wars in the region of the former Yugoslavia. He stressed, however, that impunity for wartime crimes and access to adequate reparations for all war victims remain issues that need to be effectively addressed by the authorities. To this end, the Commissioner recommended developing programmes for systematic professional education and training in international criminal and humanitarian law for prosecutors and judges. He also urged the authorities to develop, in close consultation with victims, reparation initiatives that go beyond compensation and include victims' rehabilitation and social inclusion if necessary.

The protracted displacement of about 16 500 persons as a result of the wars of the 1990s is an issue of serious concern to the Commissioner. He encouraged the authorities to step up their efforts to ensure that those of them who wish to do so have their legal status in Montenegro regularised. The Commissioner is also seriously concerned by the situation of about 2 000 displaced persons, mainly Roma from Kosovo*, who continue to live in the Konik camps, near Podgorica, in substandard conditions and segregated from the community at large. He called on Montenegro to address this issue effectively by developing plans able to end the ghettoisation of the Konik residents and to foster their social inclusion. Concerning the approximately 4 000 stateless persons or persons at risk of statelessness, the Commissioner stressed the need to adopt and implement measures to systematically identify and register stateless

* Throughout this document, all references to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

persons or persons at risk of statelessness and facilitate their access to civil registration and documentation.

While welcoming the recent improvement of the legislative framework against discrimination, the Commissioner noted the need to strengthen the Ombudsman's institution and to pay closer attention to the human rights of Roma, in particular in terms of their access to quality education and employment. Montenegro was commended for its measures to improve the human rights of LGBTI persons and was urged to continue the efforts to combat homophobia and transphobia, including through systematic awareness-raising and educational activities. In this context, the authorities were called upon to effectively investigate all reported cases of violence against LGBTI persons and ensure accountability before the law.

While commending the strengthening of the domestic legislative and institutional framework protecting the human rights of persons with disabilities, Commissioner Muižnieks underlined that the law needs to be translated into practice so as to improve the daily lives of persons with disabilities, including their access to the built environment. He called on the authorities to prioritise and accelerate the implementation of inclusive education policies in order to ensure that all children with disabilities are included in mainstream education. Moreover, Montenegro needs to move more resolutely towards deinstitutionalised care of persons with disabilities, notably by developing community and alternative solutions such as foster care, community services and individual living. As part of this process, the authorities should initiate a carefully planned and gradual closure of the Komanski Most Institution for Persons with Special Needs.

Lastly, as regards media freedoms, the Commissioner welcomed the decriminalisation of defamation and the strengthening of the legislative framework governing media. However, he remains worried at the series of acts of violence, including a murder, that have affected journalists' freedom of expression. He called on the authorities to initiate prompt, thorough and transparent investigations in all cases of physical or oral violence against journalists, and to bring the perpetrators to justice, while ensuring that sanctioning reflects the seriousness of these offences and is dissuasive. The authorities were also urged to conclude promptly all the pending criminal cases relating to assaults on journalists, in particular those which will soon be subject to prescription. Additionally, the Commissioner considered unacceptable the public use by certain leading politicians of inflammatory remarks, including personal insults, against journalists and their work. He stressed that such public discourse may lead to self-censorship and discourages journalists from performing their important service of imparting information and critically feeding open debates on issues of public interest. Last but not least, all media actors in the country should initiate a deeper reflection on how to strengthen ethical standards in journalism and overcome existing divisions in the media sector, including its self-regulation.

The report is available on the Commissioner's website, along with the authorities' comments.

4. Themes

Human rights of children

On 29 April, the Commissioner published a human rights comment *Protecting children's rights in the digital world: an ever-growing challenge*, in which he notes that growing access to the Internet has brought about both unprecedented possibilities for children to access content and exercise their rights, including the right to receive and impart information, and growing risks of violations of their rights. These risks include threats to private life of children resulting from their extensive posting of personal data on social media, coming into contact with illegal or harmful content, and becoming victims of predators who use the Internet to perpetrate abuse on children. Children can also themselves inflict harm on the Internet, for instance through cyber-bullying. An effective response to these challenges requires efforts by parents and educators, the authorities of member states and private companies such as ISPs, as well as a mix of legal and practical measures. Children must first and foremost be empowered to identify dangers and become more aware of their rights and responsibilities on the Internet. Blocking and filtering have often been the main response to the dissemination of illegal and abusive contents, but care must be taken to avoid disproportionate restrictions on freedom of expression. Safe environments for children on the Internet can be created notably through tools applicable to private and school computers only. Lastly, the Commissioner insists on the need to develop more Internet content offering human rights education, so as to make full use of the potential of the Internet in preparing generations of active citizens committed to promoting and respecting human rights.

On 16 May, the Commissioner gave a keynote address at an international conference on child-friendly justice (*Child-friendly justice: what it means and how it is realized*) organised by the University of Stockholm on the occasion of the 25th Anniversary of the adoption of the Convention on the Rights of the Child (UNCRC). In his speech, which is available on the Commissioner's website, he called for the development of juvenile justice systems that are firmly anchored to the rights protected under the UNCRC, recalling that the protection of children's rights and the guarantee of their access to justice are not only a matter of good practice, but an obligation of states parties to the UNCRC and other human rights instruments. He then highlighted some of the obstacles to which children can be confronted when coming into contact with justice, whether as offenders, victims or witnesses, or when attempting to have their rights protected. In this context, he focused on the situation of children particularly vulnerable to human rights abuses, such as children involved in immigration and asylum proceedings, Roma children and children with disabilities.

The negative impact of the economic crisis and austerity budgets on children's access to justice was another focus of the Commissioner's speech. He deplored the adverse impact of budget cuts not only on the functioning of juvenile justice systems, but also of non-judicial remedies such as ombudsman's offices, which play an important role in upholding children's rights. He also warned against preserving expensive systems that violate human rights and have not yielded tangible results, on the pretext that financial resources to change them are lacking. The policy of detention of children is one such example. The Commissioner believes that the economic crisis should rather be used as an opportunity to review policies in place, including in the area of juvenile justice, with a view to making them both more cost-effective and more respectful of human rights.

Human rights of LGBTI persons

On 9 May, the Commissioner published a Human Rights Comment entitled “A boy or a girl or a person – intersex people lack recognition in Europe”. He pointed out that intersex people encounter serious barriers to the enjoyment of their human rights, as they cannot be easily identified as male or female at birth. Parents of intersex babies are often ill-informed, and medical professionals can be quick to propose “corrective” surgery and treatment aiming to “normalise” the sex of the child. Such treatment can result in irreversible sex assignment and sterilisation performed without the fully informed consent of the parents or, even more importantly, the intersex persons themselves.

The Commissioner stressed that early “normalising” treatments do not respect intersex individuals’ rights to self-determination and physical integrity. When operations are not necessary on medical grounds, they should only take place at an age when intersex persons can give their consent. Intersex individuals should be granted full legal recognition from birth and amendments to their sex or gender classification should be facilitated to reflect their subsequent individual choices. The Commissioner urged governments to review current legislation and medical practices to identify gaps in the protection of intersex people and take measures to address the problems.

On 14 May, the Commissioner addressed the 2nd IDAHO Forum in Valletta, Malta. This high-level event, co-organised by the Maltese and Swedish governments, brought together ministers and representatives of national authorities, civil society and international organisations to discuss responses to homophobia and transphobia in Europe.

In his keynote address, the Commissioner highlighted the obstacles LGBTI persons encountered in their enjoyment of the rights to expression, assembly and association. He pointed out that children also had the right to access objective information about sexuality and gender diversity. Further progress was necessary in the legal recognition of trans persons. There were major concerns about the protection of intersex people’s human rights in healthcare settings. The Commissioner stressed the importance of monitoring the human rights situation of LGBTI persons and outlined the current responses of the Council of Europe with reference to the implementation of the 2010 Committee of Ministers Recommendation on the topic.

On 17 and 18 June, the Commissioner’s Office participated in a training event on LGBTI issues organised by the European Network of Equality Bodies (Equinet) in Stockholm. The representative of the Office gave a presentation on the situation of intersex persons and the role of equality bodies in protecting intersex people against discrimination with reference to the above-mentioned Human Rights Comment.

Human rights of persons with disabilities

On 10 April, the Commissioner took part in an international symposium on Human Rights and Disability in Vienna. Co-organised by the Austrian Federal Ministry of Labour, Social Affairs and Consumer Protection and the Council of Europe, the event examined the importance of legal instruments and policy frameworks on human rights of the Council of Europe and the United Nations for persons with disabilities and their autonomy. The Commissioner opened the symposium and delivered a keynote speech on monitoring the human rights of persons with disabilities in Europe. In his speech, the

Commissioner pointed to the considerable gap between agreed legal standards, and in particular the UN Convention on the Rights of Persons with Disabilities, and the reality on the ground for persons with disabilities, based on his extensive experience of country-specific work. He particularly referred to the rights to autonomy and to live in the community, to legal capacity and to an inclusive education, giving examples from his work, as areas where member states fall far short of their international obligations. The Commissioner also voiced his concerns about the effects of the economic crisis and fiscal austerity, which have led to considerable backsliding. He argued that effective monitoring was crucial in order to avoid watering down the agreed international standards concerning the rights of persons with disabilities. The Commissioner also stressed that it was crucial that such monitoring relied on the full involvement of persons with disabilities themselves, whose access to monitoring and policy-making mechanisms at the national and international levels, including within the Council of Europe, needed to be improved. The full text of the Commissioner's speech is available on his website.

Freedom of expression and media freedom

On 19 May, the Commissioner took part in the Council of Europe "*Round Table on Safety of Journalists – From Commitment to Action*", which aimed at promoting dialogue between international institutions and media freedom organisations in order to identify ways of better addressing severe human rights violations against journalists. In his opening speech, the Commissioner referred to the various threats to press freedom in Europe, notably police violence against journalists covering demonstrations and violence against journalists in conflicts zones. In a number of countries, journalists are also facing judicial harassment, sometimes followed by detention, and obstacles to carrying out their work because of restrictive legal provisions affecting their right to freedom of expression. Since one of the expected results of the Round Table was to lay the ground for warning mechanisms and a rapid response capacity, possibly through the development of an Internet platform, the Commissioner contributed to the discussion by presenting his means of action when alerted of developments requiring an urgent reaction.

Internet and human rights

On 12 June, the Commissioner participated in the opening plenary of the seventh edition of the European Dialogue on Internet Governance (EuroDIG), which took place in Berlin. The overarching theme of the event was "Digital society at stake – Europe and the future of the Internet". The opening plenary aimed at discussing the future roadmap for Internet governance and provided an opportunity for the Commissioner to underline the human rights aspects of Internet governance and the primary responsibility of states for the protection of these rights, offline as well as online.

Safeguarding human rights in times of economic crisis

On 3 June, the Commissioner published a Human Rights Comment entitled "Youth human rights at risk during the crisis". He pointed out that young people had been one of the groups hardest hit by the economic crisis in Europe, with youth unemployment being the most common pathology of many countries implementing austerity measures. In addition to social and economic rights, young people's rights to equal treatment and participation had been undermined. Many young people were losing hope in the future of their countries, their faith in the political elite, and their belief in Europe.

The Commissioner stressed that a rights-based approach should replace the current neglect of young people in discussions about the crisis. Any temptation to lower labour standards and social protection when employing young people had to be resisted. Young people should be empowered to assert their rights. This requires strengthening awareness of human rights and opportunities for effective participation in social, economic, cultural and political life. The Commissioner pointed out that governments should not only view young people as holding keys to our future, but recognise their rights and role in Europe today.

On 3 June, the Commissioner addressed the 1st meeting of the European Committee for Social Cohesion, Human Dignity and Equality in Strasbourg. He highlighted the effects of the economic crisis and austerity measures on the enjoyment of human rights of vulnerable groups. The Commissioner pointed out that governments should strengthen the effectiveness of independent equality bodies and seek their advice for assessing the impact of austerity policies on equality and human rights. Responses to the economic crisis had to be compliant with human rights and should not result in disproportionate effects on vulnerable groups. Particular attention had to be paid to addressing the negative effects of austerity measures on the deinstitutionalisation and social inclusion of people with disabilities.

On 16 May, the Commissioner's Office participated in a conference on a human rights approach to tackling poverty and social inequality in Newry, United Kingdom, organised by the Human Rights Commissions of Ireland and Northern Ireland. During the meeting, human rights and economic experts as well as civil society representatives reviewed the effects of the economic crisis and austerity measures on the enjoyment of economic and social rights. The representative of the Office made a presentation on safeguarding human rights during austerity with reference to the Commissioner's recent Issue Paper on the topic.

5. Other Meetings

Visit to Geneva

On 4 June, the Commissioner visited international organisations in Geneva. He met with the Director General of the International Labour Organization, Guy Ryder, to discuss the observance of ILO labour standards and the implementation of social protection floors during the economic crisis. Responses to youth unemployment and the availability of data on child labour in Europe were also raised.

The Commissioner's meeting with the UN High Commissioner for Human Rights Navanethem Pillay focused on the human rights situation in Georgia, the Russian Federation and Ukraine. Internet surveillance and the democratic oversight of security services were also discussed.

The Commissioner met with the Director General of the International Organization for Migration, William Lacy Swing. Their exchange of views related to EU migration policy, alternatives to the detention of migrants and the treatment of unaccompanied minors.

A meeting with the UNHCR Director of International Protection Volker Turk related to the situation of Syrian refugees, internally displaced persons in Ukraine, alternatives to the detention of child migrants, and a conference on stateless persons to be organised by UNHCR in September.

6. Human rights defenders

On 10-11 June, the Commissioner participated in a joint Conference by the Swiss Chairmanship and the OSCE/ODIHR entitled “The OSCE and Human Rights Defenders: The Budapest Document 20 Years On” in Bern. The Conference served as a platform for the launch of the OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders. Speaking at the opening panel, the Commissioner gave an overview of the hindrances that human rights defenders face in the Council of Europe area, including physical threats and attacks, destruction of property, stigmatising rhetoric by political leaders, defamation campaigns, judicial harassment and trumped-up charges. He pointed to some of the most vulnerable human rights defenders, including those working to protect the rights of LGBTI persons, migrants and refugees, and Roma, as well as those defenders whose work relates to conflict and post-conflict situations. The Commissioner also expressed concern regarding the restrictive legal environment in relation to freedom of expression, freedom of peaceful assembly and freedom of association in a number of countries. He specifically referred to the criminalisation of defamation, restrictions on the internet, vague anti-terrorist and anti-extremist legal provisions, blanket bans on holding assemblies in certain locations, and impediments to registration and access to funding. In some cases, human rights defenders may see their freedom of movement restricted and/or be subject to intrusive surveillance. The Commissioner stressed the importance of changing the narrative which pits human rights defenders against state interests; instead, it should be made clear that defenders make a crucial contribution to the protection of human rights and of vulnerable groups.

7. Communication and Information work

The press coverage of the Commissioner’s activity in the second quarter continued to be rich, with more than 500 articles published.

The observations on Azerbaijan received wide press coverage (Armenia today, Azadliq, Azadliq Radiosu, Azer Press, Azeri report, Azernews, Balcani Caucaso, BBC, Committee to Protect Journalists Contact, Eurasianet, Europa Press, iNews, Jurist, News It, Newsbomb, Panorama, Reuters, RFERL, Tanea 24, The Moscow Times, Zaman).

The Commissioner’s visit to Romania got also good coverage, mostly on the human rights of persons with disabilities (Act media, AFP, Ager press, Balcanicaucaso, Bieler Tagblatt, CRJ, Frankfurter Allgemeine Zeitung, Gandul, Jurnalul, Mediafax, Noodles, Realitatea, TMNew).

Concerns expressed about Cyprus separating migrant women from their children were covered by Capital, CypLive, Cyprus Mail, Cyprus News Agency, Cyprus Russian

Business Magazine, CyprusMail, Famagusta Gazette, InCyprus, Jurist, Philenews and VK Cyprus.

The report on Denmark continued to be covered by Information DK, Jyllands Posten, Politiken, Ritzau, Jydske Vestkysten and Today's Zaman.

An opinion editorial on press freedom day was published in Italy, Slovenia, Greece and the Balkans region (Ossigeno per l'informazione, Avvenimenti, Delo, To Vima, Balkan Insight, Prima online) and mentioned in media outlets of other countries (24 Vesti, A1on, Mia, Plus info, SMTV, Telegraf). Balcani Caucaso published an interview on the same topic. The Commissioner's participation in the round table on the safety of journalists was mentioned by EFE and covered by La Vanguardia and Diario del alto Aragon, while the Commissioner's call to free journalists in Ukraine was covered by LENTA, La voix de la Russie, RIA Novosti, Sobesednik, and Reitingi. An opinion editorial calling for the full decriminalisation of defamation in Italy was published by Il Corriere delle Sera. It was co-signed by Dunja Mijatovic, the OSCE Representative for media freedom, and Frank La Rue, the UN Special Rapporteur on freedom of expression. It was further mentioned by Ansa, Articolo 21, Ossigeno per l'informazione, Quotidiano di Ragusa and The Guardian.

The annual activity report was echoed in articles in Agence Europe and Today's Zaman. Discussions about prisoners of war were mentioned in Armen Press, Aysor, News Am, Panorama, Tert, and Yerkramas, while the Commissioner was mentioned in articles on the respect of fundamental rights in Crimea in Caracol Radio and La informacion.

The Human Rights Comment on the impact of the economic crisis on youth was largely covered, in particular by Greek media (AVGI, Dépêches Tsiganes, Enet, Enikos, Imerisia, iNewsGr, Koutipandoras, Left, Magnesia news, myBlogs, MyKosmos, MyNews, News 247, Newsbeast, Newspile, Nooz, Ola Ta Nea , Real, SIR, Trelo kouneli).

Mina, DAN, Vijesti, RTCB and SIR covered the report on Montenegro and published the interviews with the Commissioner, while Radio Free Europe, Vijesti and RCNEN mentioned the tweet in which the Commissioner expressed concerns over the attacks on human rights defender Vanja Čalović.

The Commissioner's concerns about police violence in Turkey were largely covered by national and international media, including 20 minutes, ATV, AFP, BBC, BFMTV, Channel NewsAsia, Dagelijkse Standaard, Der Standard, Die Welt, Dünya, El Watan, Gandul info, HBL, Hürriyet Daily News , La informacion Europa press, La Libre Belgique, Le Figaro, Liberation, Neues Deutschland, News 24, Pobjeda, Prensa Latina, Reuters, NDTV, RTS Info, Tageblatt, The Irish Times, The Wall Street journal, and Today's Zaman.

The observations at the end of the Ukraine visit and the subsequent interviews were covered by 1+1 TV, Arsvest, Comments, Euronews, European Pravda, Hromadske TV, Interfax, Investigator, Itar-Tass, Kyiv Post, Mena Report, MK, Novoye Vremya, PAP, Radio Poland, RBC, RIA, Sobytiya Info, and Unian.

The Commissioner's visit to the Netherlands received very good coverage, mainly on the detention of asylum seekers (ANP, Blik op Nieuws, Dagelijkse Standaard, De Telegraaf, DutchNews, Het Parool, IJmuider Courant, Krapuul, Leeuwarder Courant,

Mensenrechten, Metro, ND, NOS, NU, Pow Ned, Volkskrant, Wall Street Journal, Atlasinfo, BNR, Elsevier, and Reformatorisch Dagblad)

The report on the visit to Georgia and the interviews were covered by Apsny, Chicago tribune, Interpress News, Media News, New Region, Reuters, 1tv, Media.ge, NPO, Radio Free Europe, and Rezonansi.

Further coverage concerned the forthcoming visit to Armenia (News Armenia, Yerkremas), the observations on Roma in Romania (Dnevnik), migrants' conditions in Cyprus (AFP, Worldbulletin), the economic crisis (Publico), persons with disabilities in Denmark (Politiken), the Human Rights Comment on Intersex (El Pais, Media Press Info), police violence against journalists in Spain (El Diario), human rights in Turkey (Hürriyet and Today's Zaman), children's rights and the Internet (Kathimerini), the death of a prisoner in Greece (Newpost, Avgi, Efsyn), prisoners' conditions (Armen Press, Aysor, News, Panorama, Tert, Yerkramas), and anti-Roma events in the Czech Republic (Radio Paha and La Vanguardia).

Twenty-four interviews were given during the second quarter (1plus1TV, ANP, ARD, Associated Press, BBC, Dan, El Diario, European Pravda, Frankfurter Allgemeine Zeitung, Hromadske TV, Mina News, Novoye Vremya, Osservatorio Balcani (2), Politiken, Radio Prague, Reuters (2), Radio free Europe (2), Süddeutsche Zeitung, Ukraine week, Unian, Vijesti).

The number of followers on Twitter reached 7159 at the end of June (8% increase since the end of last quarter). The Facebook page continued to be visited too, with 1493 likes (a 30% increase since the end of last quarter). More than 6 500 unique visitors per month surfed the Commissioner's website.

8. Next three months

July

01-04/07 Visit to Hungary

August

21/08 Lecture to the 'Journalism for Future Challenges' media training programme, organised by the Stockholm School of Economics for Eastern Partnership countries (Riga)

September

08-12/09 Mission to Kyiv, Moscow and Simferopol

15/09 UNHCR First Global Forum on Statelessness (The Hague)

22-26/09 Visit to France (Marseille, Paris)

27/09 Association of European Migration Institutions conference
"Migrants and refugees - then and now" (Riga)

29/09-03/10 PACE Session

9. Observations and reflections

The manner in which the government was changed in Ukraine, Russia's annexation of Crimea, and the conflict in eastern Ukraine have generated much heated debate in the Council of Europe and beyond. I have been asked about the sufficiency and adequacy of the Council of Europe's and my own work and presence in the region. Moreover, a number of tough, more global questions are being asked. How could such events transpire in a Council of Europe member state? How could this happen between two of its member states? Given the sizeable field presence of the UN and the OSCE in Ukraine and the considerable financial resources available to the EU, what is the Council of Europe's added value in Ukraine now?

This year I have been to Ukraine twice to take stock of the human rights situation and I intend to return again before the end of the year. In February of this year, I conducted a rapid reaction mission to assess police violence, investigations, and restrictions on freedom of assembly. In June, I conducted a follow-up mission to meet with the new authorities, to assess the situation in Odesa, and to raise awareness about the needs of persons displaced from Crimea and eastern Ukraine. I have deployed a human rights adviser in Kyiv until the end of the year to monitor the situation, report to my Office on a regular basis and assist me in my work. I will continue to engage regularly with the authorities, the ombudsman, and human rights defenders in the coming months.

I am often asked for my political assessment of the situation, a question which is beyond my mandate. This is first and foremost the task of the political bodies of the Council of Europe - the Committee of Ministers and the Parliamentary Assembly. My job is to do all I can to assist the authorities to improve the human rights situation, to raise human rights awareness, to work with human rights structures and human rights defenders, and to provide a professional assessment of the human rights situation.

How could such a serious human rights crisis emerge in Ukraine, a member of the Council of Europe? Clearly, most observers outside of Ukraine (and many within it) underestimated the depth of corruption, the weakness of governance structures, the conflicted nature of identities and loyalties in some parts of Ukraine and the utter lack of public confidence in many state institutions. Why, critics may ask, did the Council of Europe not see the crisis coming and do more to avert it? It should be remembered that apart from the Strasbourg Court, no Council of Europe institutions have "teeth" – member states cannot be forced to do anything, only encouraged and assisted. This, however, requires a *desire* to be assisted and a good faith effort to cooperate and implement reforms. This desire and effort were woefully inadequate before the recent events. The new authorities in Kyiv have a great responsibility to pursue reforms and cooperate more effectively with the Council of Europe.

How could Russia - one member state of the Council of Europe – annex Crimea, part of Ukraine’s territory? This is a political issue that has been addressed by the political bodies of the Council of Europe. The Committee of Ministers has termed the events “unlawful” and “illegitimate”, while the Parliamentary Assembly has suspended the voting rights of the Russian delegation and imposed other punitive measures. My concern is over the human rights of people in Crimea, which are often forgotten in political discussions – the rights of the indigenous Crimean Tatar community, of those who are critical of these events and the new political situation, property rights, and more. During my visit to Ukraine in June, I met with many activists and others who have fled Crimea or are unable to return. I intend to continue addressing the human rights issues surrounding Crimea in the coming months.

What is the added value of the Council of Europe in a crowded field? I am proud that my Office was quick to react and was able to organise on very short notice a mission in the heat of the crisis in February, providing the first impartial assessment of the human rights situation. I believe that the advisory panel proposed by the Secretary General to supervise the effective investigation into various incidents of serious human rights violations can play an important role. The Ukrainian authorities have a strong responsibility to do everything in their power to make the advisory panel a success. The overall added value of the Council of Europe lies in our legal standards, which can help to address long-term, structural problems, and in our monitoring mechanisms and expert bodies, which can help identify shortcomings and share best European practices. A key role in assisting constitutional reform will lie with the Council of Europe’s Venice Commission. We all still have much work to do in Ukraine and with Ukraine. I hope that we will be able to look back at 2014 as the year when meaningful reforms were initiated in Ukraine with the assistance of the Council of Europe.