



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Strasbourg, 13 September 2017

CommDH(2017)24

2ND QUARTERLY ACTIVITY REPORT 2017

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1 April to 30 June 2017

Presented to the Committee of Ministers
and the Parliamentary Assembly

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1. Overview

The period under review was marked by a veritable flurry of activity – the publication of a memorandum on human rights in Kosovo*, a country report on Lithuania, six letters on different topics to various national authorities, eight statements, two Human Rights Comments, an Issue Paper and a third party intervention on a group of 36 cases before the European Court of Human Rights. I also made presentations at conferences and symposia across Europe and my Office organised two events – a workshop on National Human Rights Action Plans and a roundtable with human rights defenders working on the issue of refugee family reunification.

The most common topics I addressed included the situation of human rights defenders, national human rights structures and systematic work on human rights, media freedom, the judiciary and transitional justice issues, and migration. However, I also had occasion to raise issues pertaining to Roma rights, LGBTI rights, counter-terrorism, children's rights, gender equality, and the rights of persons with disabilities. Indeed, the latter three issues were all the focus of the report on Lithuania.

I analysed the pressures facing defenders in a Human Rights Comment entitled "The Shrinking Space for Human Rights Organisations", which highlighted problematic legislation, administrative and judicial harassment, smear campaigns, even intimidation and violence targeting individual activists or organisations. I sent letters to both the Hungarian and Ukrainian authorities on problematic legislation that risked worsening the environment in which human rights NGOs worked. I also made a number of statements about repression against individual activists and human rights defenders in Azerbaijan and Turkey.

I participated in two events organised by national human rights structures in Barcelona and in Zagreb, where I gave keynote speeches on the role of such structures in confronting the populist threat to human rights and enhancing democratic space. During a country visit to Switzerland, I sought to assist the authorities in their plans to strengthen their incipient national human rights institution. Several representatives of human rights structures participated in a workshop on national human rights action plans my Office organised in Strasbourg. I was pleased to participate as a keynote speaker in an event discussing a particular form of systematic work for human rights – a high level seminar on business and human rights. This is a dynamic field, as many European countries are adopting or preparing action plans.

I continued to actively work in the field of media freedom, meeting with the NGO partners to the Council of Europe platform for the protection of journalists for an exchange of views during a mission to Ukraine. I also had good meetings in Kyiv with both governmental and non-governmental actors in the media field. Media freedom was a focus in the memorandum on human rights in Kosovo, as well as during the country visit to Bosnia and Herzegovina. One of the items I raised in both these contexts, as well as in a Human Rights Comment covering all of Europe, was the threat to the independence and pluralism

* All reference 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.

of public service media. I also made a statement on a particularly egregious case of repressive action against an Azerbaijani journalist.

I addressed human rights issues pertaining to the judiciary and transitional justice in a number of different contexts. In the memorandum on Kosovo and the visit to Bosnia and Herzegovina, I examined progress in the prosecution of war time crimes. I addressed letters to both the Polish and Italian authorities on problematic initiatives affecting the judiciary – in the former case, by reforming the national council on the judiciary, in the latter by doing away with courts specialised in juvenile justice. I also published a statement expressing concern about the weakening of the independence of Turkey’s High Council of Judges and Prosecutors.

As usual, I devoted a considerable amount of energy to human rights issues related to migration in both my country and thematic work. I also published an Issue Paper entitled “Realising the Right to Family Reunification of Refugees in Europe”, organised a round table on the topic with human rights defenders and did considerable communications work on the issue. I sought to promote this Issue Paper, as well as an earlier one on migrant integration at my intervention at PACE Migration Day. I also issued a statement on reported collective expulsions from Greece of asylum-seeking Turkish nationals. Finally, migration was one of the areas of focus in my country visit to Switzerland.

2. Missions and Visits

Mission to Ukraine

The Commissioner carried out a mission to Ukraine from 4 to 7 April and participated in the meeting of the Council of Europe Platform for the Protection of Journalists on 4 April (see below). The Commissioner also held several official meetings to discuss the follow-up to recommendations based on the various visits and missions he has carried out to the country since the beginning of 2014.

In the course of the mission, the Commissioner held discussions with Pavlo Petrenko, Minister of Justice; Yuriy Stets, Minister of Information Policy; Pavlo Klimkin, Minister of Foreign Affairs; Sergiy Kyslytsya, Deputy Minister of Foreign Affairs; Heorhiy Tuka, Deputy Minister for Temporarily Occupied Territories and Internally Displaced Persons; Anatolii Matios, Deputy Prosecutor General/Chief Military Prosecutor; and Olga Herasymiuk, First Deputy Head of the National TV and Radio Broadcasting Council, along with other members of the Council. The Commissioner also had meetings with civil society organisations, the Parliamentary Ombudsman and representatives of UN OHCHR and UNHCR.

The themes covered in his discussion with the above-mentioned officials included: accountability for serious human rights violations; missing persons; the on-going reforms in the judicial system; freedom of movement across the contact line; IDPs; combating domestic violence and promoting gender equality, including efforts to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention); and implementation of the Human Rights Strategy and Action Plan. The discussions also covered issues relating to the non-government

controlled territories, including as regards the payment of pensions and social benefits to eligible persons residing in some of those areas.

As regards accountability for serious human rights violations, the Commissioner was informed about certain investigative steps taken in relation to the events in Kyiv from November 2013 to February 2014; in Odesa in May 2014; and on-going investigations and judicial proceedings in connection with human rights abuses committed in the context of the armed conflict in the east of the country. Issues pertaining to on-going co-operation with international judicial institutions were also raised. As regards the situation of internally displaced persons, the Commissioner's interlocutors informed him about certain initiatives aimed at providing housing and employment opportunities, as well as ensuring access to secondary and higher education for displaced children and youth.

The Commissioner also discussed issues related to freedom of the media and the safety of journalists, in particular those relating to alerts on Ukraine posted on the Council of Europe Safety of Journalists Platform. He stressed that every effort should be made to ensure accountability in the cases of killings, attacks and threats against journalists. On the background of the blocking of Russian media outlets, the Commissioner recalled the relevant standards and case-law of the European Court of Human Rights and urged the authorities to uphold a free and pluralistic media environment and transparent and fair media regulation. In the context of the discussions of the legislation on language quotas for TV and Radio broadcasting, the Commissioner recalled the existing international and Council of Europe standards on the protection of minority languages, and urged his interlocutors to take on board the recommendations of the relevant Council of Europe monitoring mechanisms. Finally, the Commissioner discussed measures to support the independence of the public service broadcaster, including through a transparent process for the appointment of its management.

Visit to Switzerland

The Commissioner conducted a visit to Switzerland from 22 to 24 May, focusing on the institutional and legal framework for the protection and promotion of human rights, and the human rights of migrants, including asylum seekers and refugees. In Bern, the Commissioner held discussions with the Federal Councillor for Foreign Affairs, Didier Burkhalter, as well as with officials working in the Department for Foreign Affairs, the Federal Office of Justice, the State Secretariat for Migrations within the Federal Department of Justice and Police, and the Federal Department of Home Affairs. The Commissioner also held an exchange with the Chair and other members of the Swiss Delegation to the Parliamentary Assembly of the Council of Europe and met with the President and the Vice-President of the Federal Commission for Women's Issues, Yvonne Schärli and Pierre-André Wagner; the President of the Federal Commission on Racism, Ms Brunschwigg Graf, and the Vice-President of the Federal Commission on Migration, Mr Etienne Piguet. The Commissioner furthermore travelled to Zurich, where he met with the Ombudsperson of the City of Zurich, Claudia Kaufmann, and with several representatives of the Canton and the City of Zurich. The Commissioner also held discussions with representatives of non-governmental organisations and other members of civil society and visited the Glaubenberg Federal Reception Centre for Asylum Seekers and the closed reception facility in the international transit zone of Zurich airport.

At the end of the visit, the Commissioner welcomed the improvements foreseen by the new asylum law, which would allow for free legal aid from the beginning of the procedure

and should lead to faster and higher quality status determination procedures. However, with the new law only due to enter into force in 2019, progress was needed in the meantime in a number of migration-related areas. In particular, too many persons, including Syrians, still receive the 'F permit', a provisional admission regime which does not include many of the rights associated with refugee status and leaves people in a precarious situation. Noting that the Swiss authorities were reviewing this regime, the Commissioner called for the introduction of a subsidiary protection status with rights equivalent to those of refugees.

The Commissioner pointed to the need to improve the identification and protection of the most vulnerable among migrants, including asylum seekers, and to apply a gender- and child-sensitive approach in all decisions and measures taken in the field of migration and asylum. Victims of torture or human trafficking should be duly identified as such and receive the specific support they need, including psychological and other specialised assistance while they stay in reception centres. The Commissioner also called on the Swiss authorities to stop detaining migrant children arriving at international airports in Switzerland since children, with or without their families, do not belong in detention.

The Commissioner welcomed the decision of the Swiss government to set up a national institution for human rights, which would reinforce the institutional and legal framework for the protection and promotion of human rights in Switzerland. Noting indications that the yearly budget could be of CHF 1 million, he encouraged the Swiss authorities to be ambitious and create an institution that was pluralistic, adequately funded and fully independent. Such an institution should receive a broad mandate and monitor the implementation of human rights standards at all levels of Swiss administration. It could also facilitate exchanges of good practices including by co-operating with the three existing extra-parliamentary federal commissions on women's issues, racism, and migration.

Addressing a dark chapter of Swiss history involving compulsory social measures such as administrative detention and forced placements of children, the Commissioner welcomed the scheme put in place by a 2016 federal law to deal with such abuses, which includes a compensation fund and research programmes. He called on the Swiss authorities to ensure full respect of the applicable international human rights standards when dealing with all historical human rights abuses. In particular, victims should receive all the necessary psychological support in addition to compensation. History teaching about these abuses should also be introduced in the school curricula. Noting the significant number of Yenish people among the victims of such abuses, the Commissioner also stressed the need to address the continuing disadvantages they suffer in many fields of life by taking targeted policy measures.

The Commissioner's report on his visit to Switzerland is forthcoming.

Mission to Finland

The Commissioner took part in a seminar in Helsinki on "Defending Human Rights in Europe", where he delivered a keynote speech on the most important human rights challenges in Council of Europe member states, and took part in panel discussions. During his stay in Finland from 6 to 7 June, the Commissioner also discussed various human rights issues with the Finnish authorities, taking stock of the follow-up to recommendations from the report on his earlier visit to the country in 2012.

The Commissioner met with the following officials: Antti Häkkänen, Minister of Justice; Jaana Vuorio, Director General of the Finnish Immigration Service (Migri); Peter Stenlund, Secretary of State at the Ministry for Foreign Affairs; Rauno Merisaari, Ambassador for Human Rights and Democracy; Kimmo Hakonen, substitute for the Deputy Chancellor of Justice; and Susanna Huovinen, member of the Finnish delegation to the Parliamentary Assembly of the Council of Europe. Furthermore, he had an exchange of views with Petri Jääskeläinen, Parliamentary Ombudsman, and Sirpa Rautio, Director of the Human Rights Centre. The Commissioner commended the Finnish authorities on the adoption of a new Human Rights Action Plan for 2017-2019.

The specific discussion themes included: the situation of migrants and asylum seekers; legislation and practice pertaining to family reunification; discussions concerning the surveillance legislation; and equality and non-discrimination. On the background of a nearly ten-fold increase in the number of asylum seekers arriving in the country, the Finnish authorities introduced in 2015 and 2016 several amendments to the legislation affecting, inter alia, the availability of legal aid in asylum-related proceedings, and changing the regulations on family reunification and appeal procedures in asylum cases. The Commissioner invited the Finnish authorities to consider retracting some of the most restrictive provisions, in order to uphold the right to a fair asylum determination process and facilitate application procedures for family reunification, including for unaccompanied minors.

While welcoming legislative changes on equality and non-discrimination, as well as the ratification of the UN Convention on the Rights of Persons with Disabilities, he urged the authorities to amend the legislation on gender recognition of trans people to exclude the sterilisation/infertility requirement. In light of the on-going discussions of legislation on surveillance and the intention to establish the office of Intelligence Ombudsman, the Commissioner shared his recommendation on how to strengthen democratic oversight over security services. He emphasised that the relevant legal provisions should ensure due protection of the rights to confidential communication, privacy, data protection and freedom of expression.

Mission to Croatia

The Commissioner carried out a mission to Croatia from 11 to 12 May and participated in the conference “Reclaiming human rights in Europe: how to enhance the democratic space?” which was organised by the Croatian Ombudsman. On the first day of the conference the Commissioner delivered a keynote speech focusing on freedom of the media as one of the core issues of democracy, while on the second day he took part in a panel which discussed the need to protect human rights while countering terrorism. Commissioner Muižnieks used the opportunity of being in Croatia to continue his dialogue with the authorities, and had meetings with the Prime Minister, Mr Andrej Plenković and the Minister of Culture, Ms Nina Obuljen Koržinec, as well as the State Secretaries for Justice, Interior, and Demography, Family, Youth and Social Policy. Among the issues discussed were migration, freedom of the media and Croatia’s ratification of the Istanbul Convention. The Commissioner also had meetings with a number of Ombudsmen from the region during which they discussed challenges facing these national human rights institutions in the current political and social context in the region.

Visit to Bosnia and Herzegovina

The Commissioner visited Bosnia and Herzegovina from 12 to 16 June, focusing on certain major issues of transitional justice and social cohesion and on freedom of the media.

During his visit, the Commissioner held discussions with national authorities including the Chairman of the Council of Ministers, Denis Zvizdić; the Minister for Security of Bosnia and Herzegovina, Dragan Mektić; the Minister for Human Rights and Refugees, Semiha Borovac; the Deputy Minister for Communication and Transport of Bosnia and Herzegovina, Saša Dalipagić; the Deputy Minister of Justice of Bosnia and Herzegovina, Nezir Pivić; the Prime Minister of the Federation of Bosnia and Herzegovina, Fadil Novalić; the Minister for Refugees and Displaced Persons of Republika Srpska, Davor Čordaš; and the Minister of Education and Culture of Republika Srpska, Dane Malešević. In addition, the Commissioner met with the Ombudsmen, Jasminka Džumhur, Nives Jukić and Ljubinko Mitrović. He also had a meeting with the Director of the Bosnia and Herzegovina Radio-Television (BHRT) and took part in an international conference organised by BHRT where he spoke about the current political setting and challenges faced by public service media.

Meetings were also held with civil society organisations active in the field of human rights, representatives of the media sector and of the international community, and families of missing persons. The Commissioner visited a collective centre for displaced persons Hrasnica, Sarajevo and the Jewish Community in Banja Luka.

The Commissioner was concerned that the country has not yet managed to overcome its violent past and that a number of victims remain without access to justice. He called on the authorities at all levels to redouble their efforts to ensure that all wartime victims are provided with adequate protection and support. While acknowledging certain progress made in establishing the fate of missing persons, the Commissioner remained concerned that more than 6 800 persons are still unaccounted for. Welcoming the protocols on co-operation in this field signed by Bosnia and Herzegovina and Serbia, the Commissioner urged all governments in the region to put this fundamental human rights issue high on their agendas. The authorities of Bosnia and Herzegovina were urged to establish the long-awaited missing persons fund. The Commissioner regretted that the authorities have not yet established an adequate and effective mechanism that would ensure reparation to all victims of war related crimes and their families and invited them to address this issue urgently. As concerns criminal justice, Commissioner Muižnieks called on the authorities to sustain their efforts in fighting impunity for wartime crimes and to ensure adequate protection of and support to witnesses before all domestic courts.

The Commissioner was seriously concerned by the authorities' failure to abolish the system of 'two schools under one roof' and mono-ethnic schools, and to use education as a tool to promote reconciliation. He was encouraged by developments in Jajce, where high school students recently stood up for their rights and demanded integrated education and expressed his hope that this initiative would evolve into a broader movement able to bring about the necessary changes in education upon which the country's future depends.

Addressing the issue of protracted displacement due to the 1990s' wars, the Commissioner stressed the need to remove obstacles to sustainable return, including by effectively investigating and prosecuting all cases of violence and hate crimes against

returnees and by enhancing human rights awareness among members of law enforcement and the judiciary in this field.

Lastly, as concerns media freedoms, the Commissioner was concerned that various means of pressure, such as defamation, are used against journalists throughout the country to silence them and prevent them from investigating and reporting on important topics of public interest, such as dealing with the past, corruption and organised crime. Commissioner Muižnieks called on the authorities to effectively investigate and prosecute all crimes against journalists and urged political leaders to unequivocally condemn all such acts. He also noted that journalists themselves need to strengthen self-regulation, promote ethical journalism, and ensure that professional standards are always adhered to. Underlining Bosnia and Herzegovina's need for quality, independent, pluralistic and adequately funded public service media, the Commissioner urged the authorities to find a sustainable funding solution for BHRT and to engage in a constructive discussion on the necessary reforms in public service media.

The Commissioner's report on his visit to Bosnia and Herzegovina is forthcoming.

3. Reports and continuous dialogue

Letter to Marek Kuchciński, Speaker of the Sejm of the Republic of Poland, regarding proposed amendments to the Act on the National Council for the Judiciary

On 3 April, the Commissioner published a letter he had addressed on 31 March to Marek Kuchciński, Speaker of the Polish Sejm, regarding certain proposed amendments to the Act on the National Council for the Judiciary which in his view risked restricting judicial independence.

The Commissioner noted that the proposed amendments aimed at creating a new procedure for appointing members of the National Council for the Judiciary, effectively transferring the power to appoint them from the judiciary to the legislature. Drawing the Speaker's attention to the well-established international principles reflected in the relevant recommendations of the Committee of Ministers, the Venice Commission and the Consultative Council of European Judges, as well as in the Polish Constitution, he noted the importance of ensuring the constitutional body's freedom from undue political influence. The Commissioner further noted the proposal to reorganise the structure of the council, which in his view carried with it a high risk of stalemates in the judicial appointment process and the politicisation of decision-making. He also voiced concern about the shortening of the term of duty of all the current members of the body as envisaged by the proposed amendments, which would subvert the constitutional balance of powers and deprive the guarantor of judicial independence in Poland of its own independence.

The Commissioner concluded his letter by observing that the preservation of the principles of separation of powers and the independence of the judiciary hinged upon the selection of members of the judiciary in a process independent of political interference. He strongly encouraged the Polish Parliament to reject the amendments and requested the Speaker to circulate his letter among the other members of parliament.

The letter is available on the Commissioner's website.

Report on Lithuania

On 19 April, the Commissioner published a report on his visit to Lithuania, which took place from 5 to 9 December 2016. The main themes of the visit were women's rights and gender equality; human rights of children; and human rights of persons with disabilities.

While welcoming the important progress achieved in Lithuania with regard to preventing and combating domestic and gender-based violence, the Commissioner recommended harmonising the provisions of the Criminal Code and Criminal Procedure Code with those of the 2011 Law on Protection against Domestic Violence, most notably with regard to the application of protection measures. The Commissioner stressed the need for law enforcement, prosecutorial and judicial authorities to be made fully aware of their instrumental role in protecting victims of violence from repeated cases of abuse. To this end, the police should develop and apply a unified and systematic approach throughout the country for preventing violence and responding to calls for help. The Commissioner urged members of parliament to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence. He highlighted the prominent role of non-governmental organisations in providing assistance to victims of domestic violence, and recommended that they be provided with adequate resources to be able to fulfil this function. The Commissioner also encouraged the authorities to adopt effective policies aimed at reducing the gender pay gap in various industries.

Finding that the legal and institutional framework for the protection of children's rights was largely in line with international human rights obligations, the Commissioner also welcomed the adoption by the government in 2014 of a De-I (deinstitutionalisation) Plan and in 2015 of legislation restricting any institutional placement of children under three to exceptional circumstances. At the same time, he encouraged the authorities to take strategic action to develop and strengthen alternative care models in family-type settings and to allocate more resources and assistance to guardians and foster care providers.

The Commissioner also urged the authorities to end the practice of placing minors with behavioural problems in "socialisation centres" and instead work towards their full rehabilitation either in their own families or in a family-like environment. Stressing that professionals working with and for children should receive continuous and adequate training to enable them to carry out their functions effectively, the Commissioner also recommended mandatory reporting by all relevant professionals of any incidents of alleged violence against children. While welcoming the adoption of the law banning all forms of violence against children, he encouraged the authorities to develop a coordinated and effective strategy against violence and for the promotion of positive and non-violent forms of child-rearing.¹ Concrete measures should be taken to ensure that justice is child-friendly and quality psychological services are available for children, including in the context of domestic violence-related judicial proceedings.

The Commissioner welcomed the ratification by Lithuania of the UN Convention on the Rights of Persons with Disabilities and recommended resolute steps to accelerate the

¹ See also Commissioner's letter CommDH(2017)6 addressed to Speaker of the Parliament (Seimas) of the Republic of Lithuania, which is available on the Commissioner's website along with the authorities' comments.

process of deinstitutionalisation and foster independent and autonomous living. He further encouraged the authorities to pursue their efforts to reform and develop a system of supported decision-making based on individual consent, and - pending such reforms - to recognise persons presently placed under guardianship as having equal standing in courts and tribunals. The authorities should also progressively eliminate coercive practices in psychiatry and ensure that any involuntary placements in closed settings only take place on the basis of objective and non-discriminatory criteria which are not aimed specifically at persons with psycho-social disabilities, and are accompanied by adequate safeguards. The Commissioner further recommended establishing a truly inclusive education system for children with disabilities and other disadvantaged groups, and urged the authorities to plan the transfer of children with disabilities from special to mainstream educational establishments. He also emphasised the importance of ensuring that people with disabilities enjoy full access to a wide range of infrastructure and services which are available to the public in general, are provided with employment opportunities, and benefit from reasonable accommodation in both public and private sectors.

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

Letter to László Kövér, Speaker of the National Assembly of Hungary, on a draft law on foreign-funded NGOs

On 3 May 2017, the Commissioner published a letter addressed to the Speaker of the National Assembly of Hungary, László Kövér, concerning a draft law on the Transparency of Organisations Supported from Abroad. He noted that the draft law carried a clear risk of stigmatising a large number of organisations pursuing lawful activities in the field of human rights, causing a chilling effect on their activities. It also envisaged far-reaching restrictions on freedom of association, which could not be regarded as necessary in a democratic society and were therefore at variance with international human rights standards. The Commissioner expressed concern at the additional administrative burden on NGOs falling within the scope of the draft law, obliging them to register as "foreign-funded" and adopt a self-labelling practice, and at the sanctions foreseen for non-compliance. In addition, according to criteria which were not immediately clear, the draft law excluded from its scope other types of NGOs, such as those pursuing sports or religious activities. The Commissioner urged the members of the National Assembly to reject the draft law and called on Hungary to respect international and European standards on freedom of association and to refrain from stigmatising or putting at any disadvantage foreign-funded NGOs. He further regretted the apparent absence of meaningful public consultation surrounding the introduction of the draft law against the backdrop of continued antagonistic rhetoric from certain members of the ruling coalition, who publicly labelled some NGOs as "foreign agents" based on their source of funding.

The letter is available on the Commissioner's website along with the reply from the Speaker of the National Assembly.

Letters to the Italian Parliament concerning the protection of children's rights in the justice system and draft legislation against torture

In a letter addressed to the President of the Italian Senate, Pietro Grasso, published on 16 May, the Commissioner expressed concerns about a bill on the efficiency of civil judicial proceedings, which foresees the transfer of juvenile justice competencies from specialised to ordinary courts and prosecution services. Underlining that children's rights are best met in a system where justice is delivered by specialised professionals, as is currently the case in Italy, he warned that such a transfer would be a step in the wrong direction as it might dilute the capacity of judges and prosecutors to pay adequate and specific attention to children's needs and thus, weaken the protection of the rights of children who come into contact with judicial authorities.

On 21 June, the Commissioner published a letter addressed to the Presidents of the Italian Senate and Chamber of Deputies, the Presidents of the Justice Committees of the two branches of Parliament and the President of the Extraordinary Commission for the Protection and Promotion of Human Rights of the Senate, calling on the Italian Parliament to improve a bill aimed at incorporating the crime of torture into the Italian Criminal Code. The Commissioner welcomed the efforts made to introduce legislation on torture, which would fill a gap in the Italian human rights protection system and address shortcomings highlighted by the Court. However, he also raised a number of concerns regarding the compatibility of the bill with applicable international human rights standards. The Commissioner noted in particular that the definition of torture provided in the bill may result in certain cases of torture or inhumane or degrading treatment or punishment remaining unaddressed and, therefore, create potential loopholes for impunity. He also stressed the need to ensure that the ability of the authorities to hold those who commit these acts to account and the possibility for victims to obtain redress are not undermined by a statute of limitations, or any other measures of clemency, amnesty, pardon or suspended sentences.

The letters are available on the Commissioner's website

Letter to Dmytro Shymkiv, Deputy Head of the Administration of the President of Ukraine

On 24 May, the Commissioner published a letter addressed to Dmytro Shymkiv, Deputy Head of the Administration of the President of Ukraine regarding provisions in the legislation on corruption prevention - enacted in March - requiring civil society representatives or any other persons working on corruption-related issues to declare their assets in the same way as state officials and public servants. The Commissioner expressed concern that the amendments single out anti-corruption NGOs, their staff and others working on such issues, including investigative journalists, by making them subject to additional and unnecessary requirements. He stressed that only persons or organisations who receive public funding can be subjected to more rigorous reporting requirements, which also apply to any other recipient of public budgetary resources. He urged the authorities to remove the above-mentioned provisions from the legislation in force and to foster an enabling environment for the activities of NGOs, including those working on anti-corruption or related issues.

The letter is available on the Commissioner's website along with the reply of the Deputy Head of the Administration of the President of Ukraine.

Memorandum on Kosovo

On 10 April the Commissioner published a memorandum following his mission to Kosovo, which took place from 5 to 9 February, focusing on certain issues pertaining to transitional justice and social cohesion and on freedom of the media.

The Commissioner expressed his concern that eighteen years after the conflict, thousands of people were still denied justice in Kosovo and highlighted the need to change the course by taking a victim-centred approach in order to build a just and cohesive society. Noting with serious concern deeply ingrained ethnic divisions in society, including in public education, the Commissioner called for redoubled efforts to establish a truly inclusive education system which promotes inter-ethnic tolerance and respect. He underscored the need to revise all school textbooks and teaching material containing elements of nationalism and prejudice and introduce new teaching methods promoting intercultural understanding, including history.

The Commissioner expressed concern that more than 1 600 persons remain missing due to the Kosovo conflict and called for renewed political commitment by Pristina and Belgrade to address this pressing human rights issue, including by opening the archives of the army and police that may contain valuable information about missing persons.

The Commissioner underscored the need for the effective investigation and prosecution of war time crimes and to urgently address the serious challenges that the domestic judiciary is facing as it progressively takes over cases from EULEX. The Commissioner also underlined that all necessary steps need to be taken to ensure the provision of effective protection and support to witnesses in this context, to investigate all allegations of threats and intimidation of witnesses, and to bring the perpetrators of such crimes to justice.

The Commissioner called for broadening the scope of the law governing benefits for war victims, in order to ensure that all civilian victims, regardless of their ethnicity, have adequate and effective access to reparation for the harm they suffered during the conflict. While welcoming important legislative developments aimed at addressing the needs of victims of war time crimes of sexual violence, the Commissioner emphasised the need for further measures to address social, economic and health obstacles which prevent these victims from rebuilding their lives in dignity.

Addressing the situation of thousands of people who were forcibly displaced during the conflict, the Commissioner expressed his concern about persisting obstacles preventing sustainable return, most notably acts of hostility or flagrantly ethnically-motivated violence, most of which remain uninvestigated and unpunished. He called for a vigorous fight against impunity for hate crimes and awareness-raising in this field for members of law enforcement and of the judiciary. The Commissioner highlighted the need for the authorities to promptly resolve all cases relating to the restitution of displaced persons' properties. Concerning statelessness, while expressing satisfaction about the progress made in addressing the lack of personal documents of about 1 300 displaced Kosovo Roma in Montenegro, the Commissioner highlighted the need to resolve the remaining cases and to ensure that all Roma are registered and provided with personal identity documents.

With regard to freedom of the media, the Commissioner was seriously concerned about impunity for the 13 unresolved cases of killings and disappearances of Kosovo Albanian

and Serb journalists, calling for effective investigations into these cases and bringing the perpetrators to justice. The Commissioner was also concerned about reports indicating that defamation has a chilling effect of Kosovo journalists' work and noted with interest in this context the implementation in Kosovo of the regional project CoE-EU joint programme "Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe"(JUFREX) which aims to promote freedom of expression and freedom of the media in line with Council of Europe standards, with a specific focus on the judiciary.

The Commissioner stressed the need to ensure sustainable funding for the public broadcaster, in order to ensure its independence and to shield public media service journalists from undue external editorial pressure. Lastly, the Commissioner underscored the important role played by journalists in contributing to a fairer and more tolerant society by adhering to the principles of ethical and responsible journalism.

The memorandum is available on the Commissioner's website.

Letter to Andrej Plenković, Prime Minister of Croatia, concerning the ratification of the Istanbul Convention

On 18 April the Commissioner published a letter addressed to the Prime Minister of Croatia, Andrej Plenković, in which he noted with interest the steps taken by Croatia in order to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention'), and strongly encouraged the authorities to move quickly towards its ratification. Highlighting the value of a prompt ratification of this instrument, the Commissioner underscored the importance of eliminating misconceptions about this convention in public discourse in Croatia, in particular concerning the use of the term "gender". He pointed out that the Istanbul Convention rests on the presumption that violence against women is a manifestation of a broader pattern of inequality that must be addressed and effectively tackled. The Commissioner also noted that one of the five objectives of the Council of Europe Gender Equality Strategy 2014-2017 is to combat stereotyping that presents "a serious obstacle to the achievement of real gender equality and feeds into gender discrimination."

The letter is available on the Commissioner's website, along with the Prime Minister's response.

Letter to Stavros Kontonis, Minister of Justice, Transparency and Human Rights, and Nikolaos Toskas, Alternate Minister of Interior, Greece, concerning ill-treatment by law enforcement officials

On 4 May, the Commissioner published a letter that he had addressed to the Greek Minister of Justice, and to the Alternate Minister of Interior, in which he expressed deep concern about the fact that he continued to receive alarming information concerning instances of alleged ill-treatment, including torture, by Greek police officers. The Commissioner stressed that these very serious cases illustrate the long-standing and systemic problem of excessive violence on the part of law enforcement officials and serious human rights violations that require determined and systematic action by Greece. He noted with interest the adoption in December 2016 of a law that established a national mechanism for investigating incidents of arbitrariness in security forces and in detention facilities, and expressed hope that this new mechanism will contribute to the fight against and the eradication of impunity. However, preventive measures are necessary to put an

end to this phenomenon, such as systematic, initial and ongoing training for all law enforcement officials, prosecutors and judges. In addition, the authorities were invited to overhaul the existing criminal law and practice, and to remedy existing shortcomings, such as the one concerning the definition of torture in the Criminal Code, reiterating his call to ensure that the definition of torture contained in the criminal code is fully aligned with the CAT definition. He also called on the authorities to review existing criminal legislation in order to ensure that adequate, dissuasive penalties are always imposed by courts and fully executed in all cases of ill-treatment by law enforcement agents.

The letter is available on the Commissioner's website along with the Ministers' replies.

Statement concerning the human rights of Roma in the Czech Republic

On 12 May, the Commissioner issued a statement in which he expressed concern about the persistent obstacles to removing the pig farm from the site of the former Nazi concentration camp for Roma in Lety u Pisku. The statement was published on the eve of the annual commemoration ceremony to honour the victims who suffered or died in this camp. Recalling that he has repeatedly urged the Czech authorities to remove the pig farm from the site of the former camp, the Commissioner noted that the negotiations between the government and representatives of the farm owner were due to start in May and the buy-out and removal of the farm were scheduled for June. He welcomed the attention paid to this issue by the Czech authorities and urged them to end the buy-out process as soon as possible and create the conditions for the construction of a long-overdue memorial for the Roma victims, the survivors and their descendants.

Letter to Sorin Grindeanu, Prime Minister of Romania, concerning the human rights of persons with disabilities

On 15 May, the Commissioner published a letter addressed to the Prime Minister of Romania, Sorin Grindeanu, urging the authorities to increase the protection of persons with disabilities. The Commissioner called for a thorough investigation of allegations concerning serious human rights violations, such as ill-treatment of inmates of the Centre for recovery and neuropsychiatric rehabilitation in Maciuca. Additionally, he called for measures to be taken to report and investigate deaths of persons with disabilities which occurred in residential institutions. Raising the issue of guardianship of persons with disabilities, the Commissioner called on the authorities to adopt and effectively implement the new legislation aimed at enhancing their legal representation. He also called on the authorities to develop alternatives to institutional care for adults with disabilities, to further the deinstitutionalisation of children with disabilities and investigate all allegations of abuses of institutionalised children.

The letter is available on the Commissioner's website along with the Prime Minister's reply.

4. Themes

Human rights of immigrants, refugees and asylum seekers

On 12 May, the Commissioner issued a statement calling for the lifting of unnecessarily restrictive family reunification policies for refugees and subsidiary protection beneficiaries.

The Commissioner noted that refugee mothers across Europe remain separated from their families due to such restrictions, causing immense hardship for refugee mothers in Europe and their families left behind. He called on member states to review their family reunification policies and announced the publication of his issue paper on this issue, including recommendations to revise current restrictions (see below).

In a video message delivered at the opening of the European Network on Statelessness (ENS) regional conference on protecting stateless persons from arbitrary detention (Budapest, 4-5 May 2017), the Commissioner highlighted the situation of stateless migrants who find themselves in a legal limbo because they cannot be returned to a country of origin. They are frequently detained for prolonged periods of time and deprived of access to basic social support and adequate health care. He called on member states to address this situation and to ensure that stateless migrants are not stranded for long periods of time in detention and left without any prospects of regaining control over their lives. He also reiterated his call for the development of alternatives to immigration detention.

On 7 June, the Commissioner published a statement in which he expressed concern about reported collective expulsions from Greece of asylum-seeking Turkish nationals. He urged the Greek authorities to cease immediately the pushback operations and uphold their human rights obligation to ensure that all people reaching Greece can effectively seek and enjoy asylum.

On 19 June, the Commissioner published an issue paper entitled *Realising the right to family reunification of refugees in Europe*. The issue paper sets out the European and international legal standards relating to the right to family reunification for refugees and persons receiving other international protection statuses in Council of Europe member states. It finds that, due to their specific situation, including their inability to return to their countries of origin to enjoy their right to family life there, such persons have a strong claim for access to prompt and effective family reunification procedures. Beyond the legal basis, the issue paper also notes that prompt and effective family reunification procedures are an important element of successful integration policies, and also provide refugees' families with a safe and legal route to Europe, preventing unnecessary life-threatening irregular journeys.

Despite the legal and policy imperatives for prompt and effective family reunification, the issue paper finds that Council of Europe member states have increasingly restricted reunification laws and policies. In particular, persons receiving subsidiary protection have been subjected to more stringent requirements than 1951 Convention refugees. This, the issue paper argues, is difficult to justify because persons with subsidiary protection are often in a similar situation to refugees. Nevertheless, they may face long mandatory waiting periods before they can apply for family reunification, sometimes up to three years. In other member states, the right to family reunification for subsidiary protection beneficiaries has been temporarily suspended. But persons recognised as refugees under the 1951 Convention also face obstacles. For example, many member states require that an application for family reunification be put forward within three months of recognition. This short deadline often leaves refugees with too little time to prepare the documentary evidence needed. Various member states also impose age limits beyond the age of majority, which prevents adults under the age of 21 from reuniting. Additionally, both refugees and people with other asylum statuses often face strict evidentiary requirements, or intrusive DNA or age assessment tests. The issue paper also finds the position of

children in family reunification procedures should be strengthened. The issue paper contains 36 recommendations by the Commissioner to help member states review their family reunification laws and policies, with a view to making them more human rights compliant.

On 28 June, the Commissioner delivered a statement to the Parliamentary Assembly, which dedicated a full day of debate to the topic of migration. In his statement, the Commissioner drew attention to his recent work on refugee family reunification. He reiterated the important links between the ability to reunite with family members and successful integration, as well as the importance of family reunification as a safe and legal route to Europe and a tool to ensure orderly arrivals.

He shared his findings about restrictions to the right to family reunification with the Assembly, in particular the imposition of long waiting times or suspended family reunification rights for subsidiary protection beneficiaries, short time limits for applications, onerous evidentiary requirements, age limits, DNA testing and age assessments, and the need to strengthen the position of children.

The Commissioner noted that it was time to address these restrictions and called upon members of the Assembly to help challenge and overcome the negative discourse against family reunification, as well as the often overinflated figures used to turn the public against family reunification.

Freedom of expression and of the media

During the period under review, the Commissioner addressed media freedom issues in a Memorandum on Kosovo and during a visit to Bosnia and Herzegovina. He also published a letter calling on the Ukrainian authorities to revise the anti-corruption legislation that might negatively affect investigative journalists.

On 5 April, the Commissioner had an exchange of views in Kyiv with the NGO partners of the Council of Europe Platform to promote the protection of journalism and safety of journalists. The meeting provided an opportunity to discuss new developments and current challenges in the field of media freedom in Europe, and in particular threats to public service broadcasting.

Ahead of World Press Freedom Day, the Commissioner published a Human Rights Comment (*Public service broadcasting under threat in Europe*) on 2 May, in which he underscored that governments' attempts to turn public broadcasting into government broadcasting remain widespread and range from political interference in the editorial line of public broadcasters to insufficient safeguards in the legislation against political bias. The system of financing public broadcasters is also of the utmost importance since it has the potential to keep them politically dependent. Another important challenge public broadcasters must meet is their adaptation to evolving digital environments. Public service media organisations face serious difficulties in reaching their audiences in a media environment marked by a rapid evolution of digital technologies, which increasingly dominate the information distribution chain. In a context characterised by increasingly polarised societies, where there is a lack of trust in institutions and where the proliferation of one-sided information or outright disinformation is amplified by social media, the Commissioner underlined that strong and genuinely independent public service broadcasters are all the more important.

The Commissioner issued two statements in which he referred to examples that illustrate his continuing serious concerns about freedom of expression in Azerbaijan. The first, released on 17 May, marked the four-year anniversary of the arrest of Ilkin Rustamzade, a blogger and youth activist, imprisoned in Azerbaijan since 17 May 2013. On this occasion, the Commissioner reiterated his concerns regarding certain human rights in Azerbaijan, including limitations to freedom of expression, the shrinking space for NGOs, and official harassment of human rights defenders and their lawyers. He referred notably to the cases of the leader of the opposition party “REAL”, Ilgar Mammadov, two young activists Bayram Mammadov and Giyas Ibrahimov, as well as blogger Mehman Huseynov. He called upon the Azerbaijani authorities to uphold their human rights obligations and release immediately all persons who are in detention because of their views expressed or legitimate civic activity.

On 31 May, the Commissioner also reacted on his Facebook page to the arrest of Afgan Mukhtarli. The Azerbaijani journalist and activist, who had been living in Georgia since 2015 to escape the government’s repression of critical voices, was reportedly abducted from there, ill-treated by his abductors, and forcibly taken to Azerbaijan, where he is now facing prosecution for illegal crossing of the border and smuggling. The Commissioner called on the Georgian authorities to carry out an effective, rapid and independent investigation into the events and on the Azerbaijani authorities to release Mr Mukhtarli without delay and ensure that he fully enjoys his human rights, including protection from torture and ill-treatment.

Freedom of association

On 4 April, the Commissioner published a Human Rights Comment entitled “The Shrinking Space for Human Rights Organisations.” In his comment the Commissioner highlighted a trend of backsliding in the area of freedom of association in several European countries, as illustrated by: legal and administrative restrictions; judicial harassment and sanctions; smear campaigns and orchestrated ostracism of independent groups; and threats, intimidation and even physical violence against their members. The restrictive provisions enacted – including as regards receipt of foreign funding and requirements for pejorative self-labelling – and their energetic implementation have posed ever-greater obstacles to the work of NGOs in certain parts of the continent, progressively making their environment less and less hospitable. As a result of funding clampdowns, administrative and judicial harassment and abusive inspections, many civil society organisations have had no option but to suspend their activities or shut down altogether. In some cases, closure or liquidation has taken place on a mass level under a simple administrative procedure. The Commissioner stressed that closing NGOs without judicial proceedings was incompatible with international human rights law.

In the Commissioner’s view, the justification for the above-mentioned measures with reference to ensuring accountability and transparency of NGOs, or to the need to protect national sovereignty from interference by hostile foreign influence, was not convincing. He emphasised that the NGOs targeted – frequently human rights groups - have a legitimate watchdog function in a democratic society, and that international human rights law explicitly recognised their right to participate in public affairs, including to ensure the accountability of governments.

The Commissioner recommended establishing a genuine and constructive dialogue on matters of public interest, based on facts, for the benefit of all. Specifically, he called for states to: always retain the presumption of lawfulness of an NGO's activities according to the international obligation to create an enabling environment conducive to the work of human rights defenders; provide equal treatment of NGOs irrespectively of their sources of funding; refrain from imposing burdensome administrative requirements on NGOs; and ensure that sanctions are applied only in exceptional circumstances as a last resort and only in cases of serious misconduct by an NGO.

Women's rights and gender equality

On 13 April, the Commissioner published a letter he had sent to members of parliament in Latvia on 20 February inviting them to support the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The letter followed up on a meeting between the Commissioner and parliamentarians during his visit to Latvia in September 2016. Having regard to the existence of certain misconceptions about the contents and objectives of the Istanbul Convention, the Commissioner clarified that it should be seen, first and foremost, as an important tool to comprehensively tackle violence against women and domestic violence, through prevention, the protection of victims and the prosecution of perpetrators. He expressed the hope that Latvia would swiftly ratify the Convention.

The letter is available on the Commissioner's website.

Human rights of LGBTI persons

On 16 May, the Commissioner joined the statement by the UN Committee on the Rights of the Child, the UN Committee against Torture, several UN independent experts, the Inter-American Commission on Human Rights and the African Commission on Human Rights, calling for the protection of trans and gender diverse children and adolescents. The statement regretted that trans and gender diverse children remain stigmatised and rejected, and are at risk of physical, sexual and psychological violence. Published ahead of the International Day against Homophobia, Transphobia and Biphobia (IDAHOT) on 17 May, the statement called on states to adopt legislation and policy measures to eliminate violence against trans and gender diverse children, combat discrimination based on gender identity and expression, and conduct awareness-raising programmes to promote respect and understanding for gender diversity.

On 17 May the Commissioner participated in a video interview on the occasion of IDAHOT 2017. Commenting on the year's theme of families, the Commissioner noted that families can be the first place where LGBTI persons are confronted with prejudices and discrimination. He also emphasised that the lack of legal recognition for same-sex couples has daily negative consequences for them and their children. The Commissioner stressed that LGBTI persons have equal rights, including the right to family life. He called on states to provide access to registered partnerships for same-sex couples as a matter of equality, and to take measures to combat homophobia.

On 24 June the Commissioner addressed a video message to a conference in Paris entitled "From Hermaphrodites to Intersex". He noted that the event was timely, given recent developments on the rights of intersex persons in France. Stressing the need to ensure that the human rights of intersex persons are respected, he recalled the duty of

national authorities to take legislative and policy action to stop surgical operations that are not medically necessary on intersex babies and children, and to ensure flexibility in the legal gender recognition of intersex persons.

On 26 June, the Commissioner expressed his regret on his Facebook page that the Turkish authorities had prevented the holding of the Istanbul Pride March for the third consecutive year. He reiterated that where the authorities have genuine reasons to fear for the safety of the demonstrators, they should take all necessary precautions to protect the latter from any attempts to disturb their enjoyment of freedom of assembly. The Commissioner also referred to worrying reports of disproportionate use of force by the police against a small number of peaceful demonstrators who nevertheless attempted to hold a Pride March.

Independence and efficiency of the judiciary

On 7 June, on the occasion of the swearing in of Turkey's Council of Judges and Prosecutors (HSYK) in its new formation, the Commissioner issued a statement expressing concern that the Council does not offer adequate safeguards for the independence of the judiciary and risks being subjected to political influence. Following the recently adopted constitutional amendments, the Council is now composed of four members appointed directly by the President of Turkey and seven members elected by Parliament without a procedure guaranteeing the involvement of all political parties and interests. Noting that European standards foresee that at least half of the members of judicial councils that are in charge of overseeing the professional conduct of judges and prosecutors should be elected by the judiciary from within the profession, the Commissioner stated his intention to follow the work of the HSYK and the extent to which it will ensure adherence to the rule of law and the independence of the judiciary, without which there can be no effective protection of human rights.

Systematic human rights work

On 2 June, the Commissioner convened a workshop on national human rights action plans (NHRAPs) in Strasbourg. NHRAPs, which were first recommended by the Vienna World Conference on Human Rights in 1993, are a tool to help states address gaps in the implementation of human rights by tackling them in a coherent and strategic manner. Almost 20 countries around Europe have developed NHRAPs, while many more have sectoral action plans covering specific human rights issues.

The workshop followed up on a previous event held by the Commissioner in March 2014 which focused on analysing best practises for the development and adoption of NHRAPs. Three years on, the Commissioner sought to take stock of the implementation of NHRAPs, in order to draw lessons learned about their impact, the processes of evaluation and monitoring, and challenges faced. The workshop, held under Chatham House rules, gathered 26 participants from public administration, national human rights institutions, civil society and international organisations associated with the implementation or preparation of recent plans.

The workshop identified several positive effects of the implementation of NHRAPs, including the adoption of legislation or ratification of international treaties related to human rights; the facilitation of states' reporting required by human rights treaties; improved national institutional arrangements for the promotion and protection of human rights; and

enhanced relationships between government actors and civil society. At the same time, participants noted that it is difficult to identify the concrete impact of NHRAPs on the enjoyment of human rights by people in their daily lives, even though all agreed that this would be an important objective.

The discussions highlighted the importance of including at an early stage a specific process for monitoring the implementation of NHRAPs and evaluating their impact. Further work is needed to design methodologies and indicators that would enable the direct impact of NHRAPs on the enjoyment of human rights to be measured.

The workshop identified as a key challenge the need to develop ownership and commitment to the implementation of the plan on the part of all concerned parties, which in turn requires thorough consultations with all relevant stakeholders at each phase of the development and implementation of NHRAPs. Participants at the workshop also discussed the importance of effectively communicating about NHRAPs with the public and exchanged good practices on effective communication strategies. They concluded that the UN Sustainable Development Goals 2030 provided a good opportunity to re-energise national discussions on NHRAPs if linked with the NHRAPs' targets.

Business and Human Rights

On 9 June, the Commissioner attended the Council of Europe high-level seminar on Human Rights and Business: *“Promoting the effective implementation of global and regional instruments”*. Voicing his full support to the on-going UN efforts to draft a legally binding international instrument clarifying the human rights responsibilities of business, he challenged the participants to reflect on the potential role of the Council of Europe in this field. Noting the public dissatisfaction with self-regulation and the high degree of popular support for hard law on at least some key responsibilities of businesses, he underlined the importance of continued active engagement of civil society. Referring to his Office's recent workshop on National Action Plans (NAPs), the Commissioner stressed the contribution of NAPs on business and human rights in providing tools for identifying the right combination of binding and voluntary measures. He advocated for the adoption of dedicated NAPs and the sharing of good practices, including through an information platform as recommended by the Committee of Ministers' 2016 Recommendation on business and human rights, and called for a regular and timely review of its implementation. Acknowledging his relatively recent involvement in the field, he shared his thoughts on how the theme would be integrated in his country and thematic work. Lastly, cautioning the participants against equating business and human rights with the international development agenda only, he suggested deepened research on the economic cost of human rights violations in the Council of Europe area.

5. Other meetings

Meeting with the Georgian Deputy Minister of Foreign Affairs, David Zalkaliani

On 19 April, the Commissioner met with Deputy Foreign Minister Zalkaliani in Strasbourg. In addition to human rights concerns relating to freedom of movement across the administrative boundary line with South Ossetia and Abkhazia due to reported closures of crossing points, discussion topics included the case of Rustavi 2 TV ownership and the

steps taken by the authorities in response to interim measures issued by the Court, as well as the new surveillance law. On the latter topic, the Commissioner stressed the importance of putting in place adequate safeguards for independence and oversight, and noted the Georgian Public Defender's intention to file a constitutional complaint against the new legislation.

Meeting with the Minister for Foreign and Political Affairs and Justice of San Marino, Nicola Renzi

On 27 April, the Commissioner met with the Minister for Foreign and Political Affairs and Justice of San Marino, Nicola Renzi, in Strasbourg. The meeting covered some of the issues raised by the Commissioner in the report he published on San Marino in October 2015. These issues included media freedom, and especially media self-regulation, human rights of LGBTI persons, including the legal recognition of same-sex couples, as well as women's rights and gender equality.

Meeting with Prokopios Pavlopoulos, President of Greece

On 27 April, the Commissioner met with Prokopios Pavlopoulos, President of Greece. They had an exchange on various human rights issues concerning Europe, including Greece. Emphasis was laid by both of them on the European human rights protection system, founded upon the European Convention on Human Rights, and the necessity to preserve it and enhance its effectiveness. President Pavlopoulos stressed the important role played by European institutions, such as the Council of Europe, in protecting peace, democracy and justice, and the need to protect these values in order to defeat populism, alienation and isolation.

Meeting with the Georgian Public Defender (Ombudsman), Ucha Nanuashvili

On 27 April, the Commissioner and the Public Defender met in Strasbourg. The topics raised included the current environment for the Public Defender's work and his legal position in light of the constitutional changes currently under discussion in Georgia. The Public Defender also highlighted the need for the creation of a labour inspectorate and an independent mechanism for the investigation of human rights violations by law enforcement officials. The Commissioner and the Public Defender also spoke about media freedom in Georgia, and in particular the situation surrounding the Rustavi 2 TV channel, as well as about some of the planned judicial reforms.

Meeting with the Armenian Human Rights Defender (Ombudsman), Arman Tatoyan

On 31 May, the Commissioner met the Armenian Human Rights Defender in Strasbourg. Their discussion covered several topics, including the perspectives for signing and ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence, the follow-up given to the human rights violations that took place during the Erebuni crisis in July 2016, and human rights issues more broadly, in the region and in Europe.

Meeting with Stavros Kontonis, Minister of Justice, Transparency and Human Rights of Greece

On 1 June, the Commissioner met with Stavros Kontonis, Minister of Justice, Transparency and Human Rights of Greece. The meeting followed up on the exchange of letters with the minister on the issue of ill-treatment and impunity in law enforcement (see above). The minister stressed that he remained open to further co-operation with the Commissioner in order to enhance human rights in Greece and that the cases mentioned in the Commissioner's letter were pending before the Ombudsman or being investigated by prosecutors. Furthermore, the Commissioner noted with satisfaction the appointment of special prosecutors on racist crimes and suggested that the minister provide all necessary support to them. He also encouraged the Greek authorities to take advantage of the Council of Europe anti-discrimination training courses available for lawyers, judges and prosecutors.

Meeting with the President and Vice President of the European section of the International Ombudsman Institute, Rafael Ribo and Catherine de Bruecker

On 1 June, the Commissioner received the President and Vice-President of the European section of the International Ombudsman Institute (IOI), Rafael Ribo and Catherine De Bruecker. The discussion focused on ways of improving co-operation and exchanges of information between the IOI and the Office of the Commissioner on issues of common concern.

Meeting with the Head of Office of the Polish National Council for the Judiciary, Grzegorz Borkowski

On 14 June in Strasbourg, the Director of the Commissioner's Office met with Judge Borkowski, who offered his assessment of the latest legislative developments and the course of public debate in connection with the proposed amendments to the Act on the National Council for the Judiciary, as well as the perspectives for their adoption. He also shared with the Director his views on some other draft legislation currently under debate in the Polish Parliament as part of the on-going reform of the judiciary.

Meeting with Wolfgang Sobotka, Minister of Interior of Austria

On 21 June, in the context of his round-table with human rights defenders on refugee family reunification, the Commissioner met with Wolfgang Sobotka, Minister of Interior of Austria. The Commissioner discussed with the minister the Austrian policy whereby persons with subsidiary protection are subjected to a waiting period of three years before they can apply for family reunification, and was provided with information on the government's reason for instituting this policy. There was also an exchange about solidarity and responsibility-sharing in the context of European asylum policy, including relocation, as well as the integration of refugees and migrants. They also discussed the law providing for a ban on the wearing of full-face veils, as well as the problem of tackling radicalisation.

Meeting with Georgios Kaminis, Mayor of Athens

On 28 June, the Commissioner met with Mayor Kaminis who visited the Council of Europe and participated as speaker in the Parliamentary Assembly's joint debate on migration.

The Commissioner and Mayor Kaminis had an exchange on the former's latest work covering human rights protection in Greece and migrant integration in Europe (see above). Mayor Kaminis informed the Commissioner notably about the efforts made by the Athens Municipality in order to provide protection to refugees, including housing in 300 apartments rented by the Municipality, and the creation of a Coordination Center in Athens to provide a variety of services addressed to people in need, gradually focusing on integration.

Meeting with the Bulgarian Ombudsperson, Maya Manolova

On 29 June, the Commissioner met with the Ombudsperson of Bulgaria, Maya Manolova, in Strasbourg. Their discussions covered the conclusions and recommendations made in the Commissioner's report following his visit to Bulgaria in February 2015. The Ombudsperson informed the Commissioner about her work in a number of fields addressed in that report including the human rights of children living in juvenile delinquency institutions, the human rights of adults with intellectual and psycho-social disabilities and the human rights of migrants, including asylum seekers and refugees. They also explored possibilities of future co-operation in the above-mentioned and other fields.

6. Human Rights Defenders

During the period under review, the Commissioner issued two statements expressing concern about the continuing trend of judicial actions targeting human rights defenders and an increasingly wide range of other civil society actors in Turkey, a phenomenon he had already highlighted in the Memorandum he published in February on freedom of expression and media freedom in this country.

On 18 May, the Commissioner expressed dismay at the sentencing of Murat Çelikkan, a human rights defender who has made invaluable contributions to the Commissioner's Office and the Council of Europe as co-director of Truth Justice Memory Center, to 18 months imprisonment on terrorist propaganda charges for acting as a symbolic co-editor of the pro-Kurdish daily *Özgür Gündem*. The Commissioner highlighted that criminal prosecutions and convictions of human rights defenders for conduct that should be covered by freedom of expression creates a chilling effect on the exercise of such freedom and effectively prevents human rights defenders from pursuing their invaluable work.

On 10 June, the Commissioner expressed dismay at the detention of Taner Kılıç, the Chair of Amnesty International in Turkey, on unsubstantiated charges of membership of the Fethullah Gülen movement. Regarding it as an illustration of the arbitrariness inherent in the system established under the state of emergency, the Commissioner called on the Turkish authorities to revert to the rule of law and in the clear absence of credible evidence of his involvement in criminal activity, to immediately release Mr Kılıç.

Round-Table with Human Rights Defenders on Family Reunification of Refugees

On 22 June, the Office of the Commissioner organised a round-table in Vienna with human rights defenders on the topic of family reunification of refugees. More than 20 civil society experts, legal practitioners, academic professionals, and representatives of international organisations, including the UN Refugee Agency, the EU Agency for Fundamental Rights, the Registry of the EU Court of Justice and the Registry of the European Court of Human

Rights participated in the event. The round-table followed the publication of the Commissioner's Issue Paper "Realising the Right to Family Reunification of Refugees in Europe" and sought to identify opportunities for strategic litigation and advocacy work on family reunification of refugees at national level. The meeting also aimed at providing human rights defenders with an opportunity for networking and an in-depth discussion on family reunification with key stakeholders. The exchange of views during the round-table also provided ideas for possible actions by the Commissioner in this area, with a view to achieving positive changes on family reunification at national level.

Participants discussed challenges and current trends affecting the right to family reunification in the Council of Europe area. Measures have been adopted restricting refugees' access to the right to family reunification. In particular, there have been discriminatory distinctions between refugees and other beneficiaries of international protection; excessively long waiting periods before being allowed to apply for family reunification; and burdensome requirements as to residence, insurance and income of applicants. Participants also discussed various practical obstacles in realising the right to family reunification, due to narrow definitions of family members entitled to family reunification, and to practical difficulties in providing biometric evidence of family ties or in accessing places where family reunification procedures can be initiated.

Another key aspect of the discussions concerned opportunities for strategic litigation and for advocacy at national and European level. Representatives of international institutions provided valuable input on the relevant international standards and the case-law of the European Court of Human Rights and the Court of Justice of the European Union. The Commissioner also devoted attention to the necessary steps – both domestically and internationally - in order to promote a more conducive environment for realisation of the right to family reunification. This may include changes in law, public debate and awareness-raising highlighting the importance of family reunification for the respect of migrants' family life and their integration in host countries.

7. European Court of Human Rights

Third party intervention before the European Court of Human Rights

On 5 May, the Commissioner published his written observations submitted to the European Court of Human Rights concerning a group of 34 cases related to events which have occurred since August 2015 in the context of counter-terrorism operations and curfews in South-Eastern Turkey. Based on two visits the Commissioner carried out to Turkey in April and September 2016 as well as on his continuous monitoring work on this country, the first part of the Commissioner's submission provides information on the general context of counter-terrorism operations and curfews and their impact on the local population. In this respect, the Commissioner considered that the imposition of open-ended and round-the-clock curfews, which lacked sufficient legal basis and were accompanied by severe deprivations, had caused disproportionate restrictions on a huge population for an extended period of time and had subjected them to severe hardship and suffering.

The second part of the Commissioner's observations addresses in more detail major issues of concern about the human rights implications of counter-terrorism operations, including the protection of the right to life; the lack of effective investigations and the

problem of impunity; restrictions on relatives paying their last respects to their deceased family members; and undue interference with the work of human rights defenders. With regard to the first aspect, the Commissioner noted that the anti-terror operations have been characterised by excessive use of force, including the employment of heavy weaponry in residential neighbourhoods, strongly suggesting that the authorities did not minimise lethal force or show the requisite care for the lives of the civilian population. As for the lack of effective investigations, the Commissioner noted that despite the number and gravity of the allegations of human rights violations committed by members of security forces, the authorities did not treat them with the requisite seriousness, which raised concerns about the prevalence of impunity.

The Commissioner's written observations are available on his website.

CM annual report on execution of judgments of the European Court of Human Rights

On 1 June, the Commissioner took part in the debate on the 10th Annual Report on the supervision of the execution of judgments and decisions of the European Court of Human Rights, the first such event to have been held by the Council of Europe Committee of Ministers. The Commissioner shared his views regarding pressing challenges to the execution of the Court's judgments, and his role in this process. He underlined that the prolonged non-execution of judgments is an indirect attack on the Court's authority. The Commissioner also referred to the recent changes to the Rules of the Committee of Ministers for the supervision of the execution of judgments (Rule 9) which now allow him to submit written comments on the execution of judgments to the Committee of Ministers.

8. Communication and Information work

The main media coverage concerned migration, freedom of expression and the introduction of the crime of torture in the Italian penal code. More than 240 news items were published by national and international media outlets.

The Issue Paper on Family reunification for refugees received wide coverage, mainly from *AFP, 24 heures, Agence Europe, ANSA, CHP Post online, Donaukurier, DPA, Die Welt, Die Zeit, Badische Zeitung, Nürnberger Nachrichten, Berliner Zeitung, Nordbayerische Nachrichten, DW, EFE, La Vanguardia, W Radio, EPD, Migazin.de, Euronews, JydskeVestkysten, Kompravda, Lokal, MDR, MTI, New Europe, Publico, Reuters, Ritzau, Berlingske, Spiegel Online, STA, TASR, Teraz.sk, and The Copenhagen Post.*

The Commissioner's position on freedom of expression, mainly in relation to the situation in Turkey and Azerbaijan, was covered by *AFP, Agence Press, ANSA, Azer-press, BBC, Der Standard, Deutsche Welle, DPA, euNews, HirTV, Index, Kommersant, Miami Herald, Nepsava, News.am, Panorama, Penza.press, Pravo, Rapsi News, Reuters, RFE/RL, Segodnya, Tiroler Tageszeitung, Turan, Turkish Minute, Die Zeit, Direktno, Glas Slavonije, Hina, LSM, N1, AGERPRES, Ziare, Zlua News, France24, AFP, BBC, FMG.News, Kavkaz-uzel, AFP, Libération, BFM TV, APA, Tiroler, Tageszeitung, Armenews, Civil.ge, EU Reporter, Fena, Vecernji.ba, Kavkazskij uzal, Le Monde, Prime-News, Public Radio of Armenia, Sputnik, The Financial, and VoA.*

The Commissioner's letter to the Italian parliament in which he urged improvements to the Bill introducing the crime of torture in the penal code received wide coverage in the national press *Adnkronos*, *ANSA*, *Altreconomia*, *Avanti online*, *Huffington Post*, *Il Fatto Quotidiano*, *Il Manifesto*, *Il Secolo XIX*, *Il Sole 24 Ore*, *Italia Sera*, *La Provincia Notizie*, *LaPresse*, *Lettera 43*, *L'opinione*, *Radio Onda d'Urto*, *Radio Radicale*, *RAI News*, *RSI*, *TGCom24*, *La Stampa*, *Quotidiano.net*, and *Yahoo*.

The annual activity report was covered by *Agence Europe*, *Agerpres*, *ANSA*, *Avgi*, *Demokraati*, *Deutsche Welle*, *Echo Moscow*, *Ekho Kavkaza*, *EurAsia Daily*, *Face news*, *Kasparov*, *Kp*, *Kp Crimea*, *Liberal*, *L'Osservatorio Romano*, *News*, *NewsRu*, *Plus Info*, *Regnum*, *SMTV*, and *Rai*.

Bankier, *Frankfurter Allgemeine Zeitung*, *Interia*, *Lidové noviny*, *New York Times*, *Polsat News*, *TVN24*, *Wiadomosci*, and *Wyborcza* reported on the Commissioner's letter to Poland's Parliament concerning the independence of the judiciary.

The letter to the Croatian Parliament on the need to ratify the Istanbul Convention was mentioned by *HINA*, *Jutarnji Vijesti*, *Novilist.hr*, *Obzor*, and *Politika plus*.

The Memorandum on the Commissioner's mission to Kosovo was covered by *Balkan Insight*, *Independent Balkan News Agency*, *Insajderi.com*, *Kallxo.com*, *Nea Ekonomia Online*, *Koha.net*, *N1 Info*, *Sputnik*, *Tanjug*, *Politika*, *Blic*, *Večernje novosti*, *The Associated Press*, *ABC News*, *Fox News*, and *VoA*.

ANSA, *SIR*, *Askanews*, *Avvenire*, *Cmnews*, *StrettoWeb*, *Tgcom24*, and *Vita* reported on the Commissioner's letter urging the Italian authorities to avoid undermining the safeguards currently in place in the juvenile justice system.

The visit to Bosnia and Herzegovina was covered by *ANSA*, *FENA*, *Dnevno*, *Vijesti*, *Fokus.ba*, *Fokus*, *Narod*, *Nezavisne novine*, and *Oslobodjenje*.

The statement on collective expulsions of migrants from Greece to Turkey was covered by *AFP*, *France 24*, *Yahoo News*, *RFI*, *ANSA*, *Deutschlandfunk*, *DW*, *EFE*, *El Periódico*, *La Vanguardia*, *El Confidencial*, *efsyn*, *Kathimerini*, *ToVima*, and *Turkish minute*.

The Commissioner's statement on the arrest of the Chair of Amnesty International in Turkey was covered by *ANSA*, *Hürriyet Daily News*, *TASR*, *Teraz.sk*, *SME*, *The Associated Press*, *Yahoo News*, *VoA*, *ABC News*, *Fox News*, and *Turkish minute*.

Further coverage concerned migration (*Jurist*, *STA*, *Cyprus Mail*), sex selective abortion (*El Nacional*), Turkey (*RFE*, *The Guardian*, *VoA*, *Agence Europe*, *Politis*, *Sputnik*), Ukraine (*Interfax*), police violence (*ANSAMED*, *Reporter*, *Zougla*), women's rights (*The Irish Times*), the ban of the Istanbul Pride (*ANSA*, *SDA/ATS*, *The Associated Press*, *VoA*, *ABC News*), persons with disabilities in Belgium (*New Europe*), racism and intolerance (*ERT*, *Tribune*), and surveillance and social media laws in Germany (*Ip-watch*).

An opinion editorial was published in *La Gazzetta dello Sport* which called on the Italian sports authorities to be more effective in combating racism.

75 tweets were published up until 27 June, with an increase of over 1,100 followers. The video on family reunification was watched by more than 7,000 viewers on Facebook with an overall reach of over 30,000 people.

Almost 40,000 unique Internet users visited the Commissioner's website, with some 3,000 visiting the special page created for the Issue Paper on Family Reunification.

9. Next three months

July

29/06-01/07 Seminar on freedom of the media hosted by Centre for Media Studies of the Stockholm School of Economics and bilateral meetings (Riga)

September

15/09 3rd IPCAN Independent Police Complaints' Authorities' Network conference "Respecting fundamental rights in the context of the fight against terrorism" (Strasbourg)

19-22/09 Visit to Luxembourg

25-26/09 Conference "Immigration Detention of Children: Coming to a Close?" organised by the Czech CM Chairmanship

10. Observations and reflections

When I see the human rights violations and suffering that need to be addressed across Europe, I often remember that the primary tools at my disposal are words – words used in meetings, in reports, in letters, in third party interventions, in statements, in tweets. Since I cannot compel governments to change policies, I must rely on the impact of the words I use, and this puts a premium on effective communication. Recently, I have had many conversations with colleagues in the human rights world about how we communicate. These conversations have dealt not only with the question of WHAT we should be communicating, but also HOW and TO WHOM.

The question of WHAT to communicate has arisen for several reasons. One reason is the distortion of human rights by some of its detractors, such that human rights allegedly belong only to "rapists, terrorists and other criminals". Such distortions are particularly common in the British tabloid press, but are not limited to it. Another reason is that the struggle for equality by women, LGBTI persons, Roma and other ethnic minorities, migrants and refugees has given some the impression that human rights belong only to certain vulnerable categories of the population. The challenge here is to prevent the

perception that human rights have been “captured” by or can be reduced to one or another group. Overall, we have entered a dangerous era of “human rights fatigue”.

Regarding “rapists, terrorists and other criminals”, we can often only reiterate that basic procedural safeguards apply to all, that all persons have a right to family and private life, and that the prohibition on torture is absolute. Regarding the issue of “capture” by specific groups, a human rights approach compels us to pay due attention to those who suffer discrimination and social exclusion, even if this is not always a popular topic among the broader public.

However, in my conversations with human rights colleagues, I have detected a consensus that we have too often neglected social and economic rights, which are relevant for everyone. In my own work on countries undergoing austerity, I have tried to draw attention to the need to ensure social protection floors and to address inequality. More recently, we have honed in on poverty as an important human rights issue.

Some colleagues have suggested that future work could also focus specifically on the social, economic and other rights of older persons. This issue will become increasingly salient in an ageing Europe. Moreover, such a focus has the advantage of making human rights relevant to a broad segment of the public, as we are all ageing and have parents or grandparents. We need to do better at showing that human rights are for everyone.

A second part of the conversation about human rights involves HOW we communicate. Here, the criticism is that we use wooden, bureaucratic language. My wife occasionally teases me by asking whether I “welcome” something or, on the contrary, am “concerned” about it or even “seriously concerned”... Often, we are content with simply citing legal standards and international conventions, without trying to explain the importance and value of human rights. Another criticism has to do with the outmoded means we use – long reports with no pictures, let alone video images. A third criticism is that we are over-reliant on traditional media, while the younger generation in particular is completely reliant on social media for meeting its information needs.

Here, the imperative is clear – we must adapt our communications strategies to the 21st century, become more active on all manner of social media, and develop more visual methodologies so that our messages are noticed. I have pursued this strategy by developing my Twitter and Facebook presence, organising social media campaigns (e.g. Thunderclap), creating films, using photos, and doing video messages. The European Union’s Fundamental Rights Agency has developed some interesting human rights applications for mobile phones.

The criticism of our bureaucratic language is more difficult to address, as there is an entrenched manner of describing human rights issues deriving not only from the language of international treaties, but also from the fact that states scrutinise wording carefully and are quick to denounce a lack of consistency or double standards. The best we can hope for is often to have crisp, clear, direct language.

A third part of the conversation about communicating rights revolves around the question TO WHOM we are communicating. We in the human rights world are often accused of “preaching to the converted”, of addressing NGOs, and representatives of governments, parliaments and judiciaries and rarely addressing those who may disagree with us or who

have little interest in human rights. There is often a good deal of truth to this criticism. How can we communicate beyond the circle of “usual suspects”?

One way forward is to engage with target audiences that we have too often neglected. One such audience is faith communities. Though human rights practitioners occasionally have differences of opinion with faith communities or their leaders (e.g. on LGBTI rights, women’s rights and gender equality), there is often much common ground. For example, some of the most active allies of human rights groups in addressing the needs of migrants and refugees have been faith communities.

In my own work, I have occasionally met with religious leaders, but primarily in the context of learning about and addressing issues of intolerance. It seems urgent to make such meetings more regular and to expand the discussion to include human rights issues more broadly. I have sought to do this. Thus, for example, on a mission to Kortrijk, Belgium, during the period in review, I met with local religious leaders to discuss local democracy and migrant integration. I also gave a lengthy interview to a Catholic weekly newspaper discussing my work more broadly.

A second neglected target audience has been the business community. In the worst case, business can be the cause of human rights violations or be complicit in them, e.g. by using forced labour, violating environmental standards, etc. In the best case, business can be a powerful ally for strengthening the rule of law and promoting social cohesion, both of which are important components of a favourable environment for business. The focus on business and human rights within the United Nations, the European Union, and the Council of Europe provides new opportunities for interesting conversations with new interlocutors.

I have begun to examine national action plans in business and human rights during country visits. During my recent visit to Switzerland, for example, for the first time, my programme included meetings with business representatives. I also encountered many interesting actors in this field through my participation in the Council of Europe high level seminar on human rights and business. In my work on the internet and human rights over the last several years, I have also had occasion to engage with the private sector. I hope to widen these contacts with the business world and make them more systematic.

In addition to addressing neglected target audiences with the aim of forming new partnerships on issues of common concern, we must also find ways to reach those who are uninterested in or unaware of human rights and demonstrate to them the added value of a human rights approach in addressing the problems they face. But we must also try to reach socially active people who have thus far remained distant from human rights debates.

In early July I discovered an interesting venue to reach new audiences through my participation at an event called a “conversation festival” in Latvia. Such “conversation festivals” were pioneered in the Nordic countries and feature NGOs, business representatives, political parties, social media outlets and others. They tend to be held outside the capital cities and focus on participation and dialogue about topical social, economic and political issues. While some of the Nordic festivals gather more than 100,000 people, the Latvian venture is still evolving, but already attracted more than 10,000 people over two days. There, I encountered not only well-known civic activists, but also soldiers and local farmers.

The critics of human rights would like to relegate them to the “dustbin of history” as being nothing more than the smug jargon of liberal elites. If we are to reclaim and strengthen the narrative of human rights, we must try harder to demonstrate that human rights are our common heritage, that they benefit us all, and that they remain relevant in addressing the various threats challenging the fabric of our democracies. We have to do so by being creative, increasingly visual, and appealing not only to people’s minds, but their emotions as well. We need to supplement our long texts and reliance on traditional media with astute use of social media and other new technologies. Finally, we need to leave our comfort zones and engage in active debates with those who oppose human rights or believe they are irrelevant.