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COMMISSAIRE AUX DROITS DE L'HOMME



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## **ANNUAL ACTIVITY REPORT 2013**

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Commissioner for Human Rights  
of the Council of Europe**

Presented to the Committee of Ministers  
and the Parliamentary Assembly

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## Foreword by the Commissioner

Though this is my second annual report, it is the first covering an entire year of my work as Commissioner, as last year's report covered only the last nine months of the year. When I review the year's activities, I am gratified by several aspects of our work.

First of all, I am gratified by the geographical scope of the work we were able to carry out. I personally conducted country visits, attended conferences or other events, or gave lectures in 24 different countries, visiting several more than once. In 2013 I travelled to Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Denmark, Estonia, France, Germany, Greece, Latvia, Republic of Moldova, Monaco, the Netherlands, Norway, the Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine and the United Kingdom. Moreover, I delegated members of my Office to represent me at events in several other countries. Reports and recommendations were published after country visits. We also continued our permanent dialogue with several member states through letters to officials. Finally, we often had a "virtual" presence through media work or video messages. This means our work was truly pan-European in nature.

The annual report also suggests the added value of the institution. Thanks to the principles of independence and impartiality which are guaranteed in my mandate, I can cover any topical human rights issues and I can be concrete and precise in my analyses and my conclusions, both in my dialogue with governments and in my awareness-raising work with the public. The geographical scope of the Council of Europe means I can tailor my messages to a broad regional audience. For example, I conducted a "thematic mission" on the Syrian refugee crisis to several countries and sought to raise awareness about the responsibilities of Council of Europe member states, focusing on the human rights aspects of this crisis - the right to seek asylum, the prohibition on collective expulsions, and the prohibition on degrading and inhuman treatment. In another example of work addressed to several countries, I participated in a commemoration ceremony for the victims of the Srebrenica massacre, but sought to raise awareness about the need for regional co-operation to address the as yet unresolved human rights issues from the wars in ex-Yugoslavia. These include the fate of missing persons, the plight of refugees and internally displaced persons, and the need to combat impunity for those guilty of perpetrating mass human rights violations. The human rights comments I publish regularly also address human rights issues affecting several countries.

I believe that the two Issue Papers published by my Office in 2013 also fill an important niche. The one on "The Right to Leave a Country" is targeted not only at those states restricting this right, but also at European Union countries and institutions, which occasionally provide incentives to their neighbouring states to engage in problematic practices. The Issue Paper on "Safeguarding Human Rights in Times of Crisis" compiles best practices in responding to the economic crisis in human rights compliant ways. This paper not only helps guide our analysis of countries confronting economic crises, but can also assist these states in learning from others. Unfortunately, the crisis seems likely to be with us for some time to come and it is essential to mitigate the negative impact it is having not only on the social and economic rights of the most vulnerable, but also on access to justice, conditions of detention, processes of deinstitutionalisation and more.

The administration of justice and human rights was a focus of country work in 2013 in Albania, Greece, Republic of Moldova, Russian Federation, and elsewhere. Among the main topics were the independence, impartiality and efficiency of judiciaries, as well as access to justice, the equality of arms and other features of the right to a fair trial and access to an effective remedy. I also engaged the parliament of the United Kingdom on these issues, sending it a memorandum urging the implementation of a pilot judgment of the European Court of Human Rights (the Court). Pilot judgments are not judgments like any other, but group together many similar cases. The efficient implementation of pilot judgments is absolutely essential to coping with the backlog of similar cases in the Court. I also sought to place the implementation of pilot judgments on the agenda of the European Union in both its member states and candidate countries.

One unique part of the Commissioner's mandate is the ability to intervene as a third party before the European Court of Human Rights. In 2013, I made my first such intervention in a case concerning the legal standing of non-governmental organisations acting on behalf of persons with mental or psychosocial disabilities. My criteria for choosing whether to intervene is whether I can have added value by illuminating important human rights aspects in the case concerned and that I have on-the-ground knowledge of the issue from my country work. This case met those criteria and I am ever on the lookout for other important cases where I could intervene to the benefit of human rights.

A second common focus in country work in 2013 in Albania, Greece, Spain, and Turkey was police misconduct, particularly the need for effective investigations and to combat impunity in cases where law enforcement officials are alleged to have violated the right to life or the prohibition on torture, inhuman or degrading treatment. Other aspects of police work I focused on were the need to effectively combat racism in policing, the excessive use of force during demonstrations and ill-treatment during apprehensions. Police, whose work is often highly challenging and stressful, are key players in ensuring the protection of human rights and the rule of law. They are also often the first and primary representatives of the state encountered by many minorities and migrants. Thus, it is absolutely essential that their conduct live up to the highest professional standards. When this is not the case, social tensions can ensue, confidence in the state is undermined, and the rule of law is eroded.

A group of persons whose human rights are at risk in many European countries are the Roma. A significant event in 2013 which set the cause of Roma rights back by a considerable measure was the media treatment surrounding two cases in which blond children were "discovered" to be in the custody of Roma parents. I was appalled by the media coverage not only in the two countries in which the cases erupted, Ireland and Greece, but throughout Europe. Everywhere, media highlighted the ethnicity of the parents and immediately jumped to the conclusion that the children must somehow have been "stolen" or ended up in their families by unlawful or unethical means. The news stories rekindled dangerous old myths about Roma abducting children. This blow to Roma rights took place in a context where discourse about Roma was already toxic in many European countries because of hysteria surrounding the alleged impending mass movement of Roma from Romania and Bulgaria to other European Union countries with the imminent end of restrictions on free movement for citizens of these countries. In a number of media interventions, I sought to call journalists and editors to their senses and raise their awareness about the great harm they can do to Roma.

While bad communication can perpetuate stereotypes, stigmatise minorities and harm the cause of human rights, good communication can empower the vulnerable, raise awareness and focus political energy towards human rights-related reforms. I have discovered the importance of communication in my own work and sought to develop new methods. I have found Twitter an essential tool for drawing attention to human rights issues, signalling concern, and networking with media and other partners throughout Europe. As can be seen by the graph depicting our followers on Twitter near the end of this report, the number of our followers almost doubled in 2013. More significantly, a number of tweets became full-fledged news stories and prompted many inquiries from the "traditional" media. The challenge for 2014 is to continue this progress and expand it to our Facebook communication as well.

Clearly, there is still an incredible amount of human rights work that needs to be done all over Europe. I wish I had the resources which would allow me to do more and cover more territory. As this remains impossible, for the time being I must rely not only on my own stamina, but on that of my highly committed and professional team, who successfully create the illusion of being much more numerous than they actually are. I salute their excellent work and the fruitful co-operation we have developed with people of good will in government, the judiciary, civil society and the media all over Europe.

Strasbourg, 24 March 2014



# 1 Country visits

## 1.1 Introduction

In the course of 2013 Commissioner Muižnieks continued to rely on country visits as an important means of pursuing a continuous, constructive dialogue with member states.

In his country visits, the Commissioner addressed specific human rights issues that he had identified as requiring particular attention. Issues covered by the visits include: intolerance, racism and hate crime; the impact of austerity measures on the protection of human rights; the efficiency and effectiveness of national judicial systems; the protection of the human rights of persons with disabilities, children, immigrants, refugees and of Roma and Travellers; freedom of expression, including on the Internet; freedom of assembly and freedom of association; transitional justice in the region of the former Yugoslavia, and the existence and effectiveness of national human rights structures. Reports and other documents published by the Commissioner after these visits contain both an analysis of the selected human rights issues and detailed recommendations to member states about possible means of improvement. In certain cases, as part of his dialogue with national authorities, the Commissioner addresses letters to the former to outline concerns and provide advice on specific issues. All these documents, along with the replies from the authorities, are published on the Commissioner's website and are widely circulated among policymakers, NGOs and the media.

The present chapter contains brief summaries of the Commissioner's visits carried out in 2013 and of their outcomes.

## 1.2 Visits

### *Visit to Greece*

The Commissioner visited Greece from 28 January to 1 February. The visit focused on human rights issues related to intolerance, racism and hate crime, as well as to asylum and immigration.

During his visit, the Commissioner held discussions with the national authorities, including the Minister of Public Order and Citizen Protection, Mr Nikolaos Dendias, the Minister of Justice, Mr Antonios Roupakiotis, the Deputy Minister of Foreign Affairs, Mr Konstantinos Tsiaras, the Deputy Chief of the Hellenic Police, Mr Adamandios Stamatakis and other representatives of the police and the coast guard. He also held discussions with Greek MPs in the parliament, the Prosecutor General of the Court of Cassation, Mr Ioannis Tentis, and the Deputy Prosecutor General, Mr Dimitrios Dasoulas, as well as with the Deputy Public Prosecutor of the First Instance Court of Athens in charge of racist crime, Mr Nikolaos Ornerakis, the President, Mrs Vasiliki Thanou-Christofilou, and members of the National Association of Judges and Prosecutors. Additionally, the Commissioner met with the Mayor of Athens, Mr Yorgos Kaminis, and members of the Athens City Council for Migrants' Integration, as well as with the Ombudsman, Ms Calliope Spanou, the President of the National Commission for Human Rights, Mr Kostis Papaioannou, other members of the Commission, staff members of the UNHCR Office in Athens and non-governmental organisations. During his stay in Athens the Commissioner also visited the police station of Aghios Panteleimonas in Athens and the central park "Pedion tou Areos" where he met with a number of homeless migrants. In addition, he had the opportunity to visit the polyclinic of "Doctors of the World" in Athens and to talk with its staff as well as with migrants who had been provided with medical care following racist attacks.

On 16 April the Commissioner published a report in which he stressed that all available means should be used to effectively sanction individuals and organisations which incite intolerance and hate crime, by making effective use of binding international standards. Such sanctions may be criminal and combined with restrictions on the activities of individuals and organisations, including political parties, advocating for or implicated in hate crimes. He called on the authorities to implement domestic anti-racism law and to accelerate the adoption of the bill concerning racism and xenophobia through criminal law. Systematic,

continuous training in human rights and antiracism law and practice for the police, coast guard, prosecutors and judges was also noted as necessary.

The Commissioner further underlined the importance of addressing the chronic shortcomings of the Greek justice system concerning in particular excessively lengthy judicial proceedings, lack of an effective remedy and costly court fees. He emphasised that victims of hate crimes should be exempt from criminal complaint fees and should receive adequate legal aid and assistance.

The Commissioner deplored the persistent reports of ill-treatment, including torture, by law enforcement officials. He urged the authorities to effectively investigate, prosecute and sanction all instances of abuse so as to eliminate the institutional culture of impunity and address effectively all suspicions of links of a part of the police with the neo-Nazi party "Golden Dawn". In this context, he insisted on the need to establish an independent, effective complaints mechanism concerning the action of law enforcement authorities. He also recommended that the newly established anti-racist police units be adequately resourced and their staff trained in human rights and anti-discrimination.

Lastly, whilst welcoming the steps taken by the authorities aimed at rebuilding the national asylum system, the Commissioner urged Greece to remedy certain serious, long-standing gaps which adversely affect the human rights of migrants, including the systematic and prolonged detention of irregular migrants and the law and practice concerning unaccompanied migrant minors.

### ***Visit to the Republic of Moldova***

The Commissioner visited the Republic of Moldova from 4 to 7 March. The visit focused on the National Human Rights Action Plan 2011-2014, the functioning of National Human Rights Institutions, and certain aspects of the administration of justice.

During his visit, the Commissioner held discussions with the national authorities, including the Speaker of Parliament of the Republic of Moldova, Mr Marian Lupu, the Minister for Foreign Affairs, Mr Iurie Leancă, the Minister of Justice, Mr Oleg Efrim, the Acting Minister of Interior, Mr Dorin Recean, the President of the Constitutional Court, Mr Alexandru Tănase, the President of the Supreme Court of Justice, Mr Mihai Poalelungi, members of the Superior Council of Magistracy, and the Deputy Prosecutor General, Mr Igor Serbinov. In the Office of the Acting Prime Minister, the Commissioner had exchanges with the Head of Office, Ms Lilia Snegureac, and with the Senior State Advisor to the Prime Minister, Mr Ruslan Stânga. He also visited the National Institute of Justice and had a discussion with its Director, Ms Anastasia Pascari. During his visit to the Centre for Human Rights (the Ombudsman institution), the Commissioner met with the Parliamentary Advocates, Mr Anatolie Munteanu, Ms Aurelia Grigoriu, and Mr Tudor Lazăr. In addition, the Commissioner held discussions with several non-governmental organisations working in the field of human rights and with representatives of international organisations involved in the process of reforming the justice sector. He also had exchanges with the members of the Council of the Bar Association.

The Commissioner published a report on his visit to the Republic of Moldova on 30 October. While welcoming the on-going efforts to reform the justice sector, the Commissioner stressed that the Moldovan judiciary remains underfunded and that the legislation and practice should be further reviewed with a view to enabling the Superior Council of Magistrates – the self-governing body of the judiciary – to have an increased role in the decisions regarding the allocation of resources to courts. Stressing that it was essential that judges be appropriately qualified and professionally competent, the Commissioner recommended that appointments and promotions of judges be based on clear and objective criteria including individual merit, qualifications, integrity and efficiency.

Concerning systematic work for implementing human rights, while welcoming the adoption of the National Human Rights Action Plan (NHRAP) for 2011-2014, the Commissioner noted that in the interest of coherence and sustainability of the policies concerned, there should be better co-ordination with sector-specific plans and with the on-going justice sector reform, and civil society and National Human Rights Institutions should be actively involved in the implementation and evaluation of the NHRAP.

Regarding the much-needed reform of the Ombudsman institution, the Commissioner noted the approval by the Government on 4 September 2013 of a draft law which would introduce some fundamental changes, aimed at addressing institutional deficiencies and ensuring the effective functioning of this body. A key aspect of the government-approved draft amendments is a merit-based and transparent appointment procedure of a single Ombudsman with a deputy responsible for children's rights, as well as requirements to ensure that the reporting process is more open and conducive to meaningful policy discussions on key human rights issues. The Commissioner called on the authorities to step up their efforts to reform the Ombudsman institution in line with the Paris Principles.

### ***Visit to Estonia***

The Commissioner visited Estonia from 25 to 27 March. He focused on the impact of the economic crisis on the enjoyment of human rights, the independence and effectiveness of national human rights structures, and the human rights of children.

The Commissioner engaged in a dialogue with the President of the Republic of Estonia, Mr Toomas Hendrik Ilves, the Speaker of the *Riigikogu* (Parliament), Ms Ene Ergma, the Minister of Justice, Mr Hanno Pevkur, the Minister of Social Affairs, Mr Taavi Rõivas, the Minister of Foreign Affairs, Mr Urmas Paet, and the Undersecretary in the Ministry of Culture, Ms Anne-Ly Reimaa. The Commissioner also held meetings with the Chief Justice of the Supreme Court, Mr Märt Rask, the Deputy Chancellor of Justice, Mr Hent Kalmo, the Gender Equality and Equal Treatment Commissioner, Ms Mari-Liis Sepper, and members of the *Riigikogu*. He made an on-site visit to the Maarjamäe Centre at Tallinn Children's Home.

Following the visit, on 20 June, the Commissioner published a report in which he expressed concern about the long-term effects of the economic crisis, especially in terms of child poverty, unemployment among young people, and access to justice. He observed that a long-standing socio-economic gap between ethnic minorities and the majority population had become more pronounced following the crisis and that it was perpetuated among young people. He stressed that the on-going economic recovery in Estonia should be accompanied by reinforced social protection floors for the general population and targeted positive measures for vulnerable groups of people.

With reference to national human rights structures, the Commissioner noted that the Gender Equality and Equal Treatment Commissioner was seriously understaffed and underfunded, and called on the Estonian authorities to strengthen this institution so that it can fulfil its mandate effectively. He also encouraged the authorities to establish or designate an internationally accredited national human rights institution which would become the focal point for promoting human rights in the country. In addition, there is a need to establish an independent mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities.

In the field of the rights of the child, the Commissioner highlighted the fact that there were 1181 stateless children under the age of 15 in Estonia. The Commissioner urged the government to initiate a reform of the Citizenship Act so that citizenship is granted automatically at birth to children who would otherwise be stateless.

The Commissioner welcomed the on-going reform of the Child Protection Act. The new Act should outline the applicable standards for child protection and clearly identify the respective responsibilities of central, regional and municipal authorities. There is a need to place particular emphasis on the development of psychiatric and psychological care for children. In addition, the Commissioner pointed out that alternative care of children should be reviewed to establish minimum standards for the basic needs of children and fulfil the legal requirements for an adequate number of qualified staff for all substitute homes.

### ***Visit to the Russian Federation***

The Commissioner visited the Russian Federation (Moscow, Saint Petersburg, Kazan) from 3 to 12 April. The main purpose of the visit was to discuss issues related to the administration of justice and the protection of human rights in the justice system in the Russian Federation. The visit coincided with a series of nation-wide inspections of non-commercial organisations; therefore, the Commissioner continued to raise with his official interlocutors issues affecting the work of human rights defenders, as a follow-up to his previous visit to Moscow in October 2012.

In Moscow, the Commissioner held discussions with representatives of the federal authorities, including the Minister of Foreign Affairs, Mr Sergey Lavrov; the Deputy Minister of Justice, Mr Maxim Travnikov; the Prosecutor General, Mr Yury Chaika; the Vice-Chairman of the Investigative Committee, Mr Boris Karnaukhov; the Chairman of the Committee on Civil, Criminal, Arbitral and Procedural Legislation of the State Duma, Mr Pavel Krasheninnikov; and the Deputy Chairman of the Committee on Constitutional Legislation, Legal and Judicial Affairs and Civil Society Development of the Council of the Federation, Mr Alexey Aleksandrov. He also had a meeting in Moscow with the Chairman of the Supreme Court of the Russian Federation, Mr Vyacheslav Lebedev; and in Saint Petersburg with the Chairman of the Constitutional Court of the Russian Federation, Mr Valery Zorkin.

In Kazan, the Commissioner had meetings with the following officials of the Republic of Tatarstan: Mr Rustam Minnikhanov, President; Mr Ildar Khalikov, Prime Minister; Mr Farid Mukhametshin, Chairman of the State Council; Mr Artyom Khokhorin, Minister of the Interior; Mr Pavel Nikolaev, Chief of the Investigation Department of the RF Investigation Committee; and Mr Kafil Amirov, Prosecutor General of the Republic of Tatarstan. The Commissioner also had a meeting with Mr Igor Zubov, Deputy Minister of Interior of the Russian Federation, who was in Kazan during his visit. Furthermore, he had an exchange of views with the Chairman of the Supreme Court of the Republic of Tatarstan, Mr Ilgiz Gilazov, and two Deputy Chairmen of the Supreme Court; as well as Mr Viktor Demidov, Chairman of the Constitutional Court. During his stay in the Republic of Tatarstan, the Commissioner also went to the premises of a local police establishment, a temporary detention facility in Kazan, and the correctional facility ITK-5.

Furthermore, the Commissioner had extensive discussions with representatives of national and regional human rights structures. In Kazan he had an exchange of views with the Ombudsman for Human Rights of the Republic of Tatarstan, Ms Sariya Saburskaya, as well as the Ombudsman for Children's Rights, Ms Guzel Udachina. In Moscow, he had meetings with the Federal Ombudsman, Mr Vladimir Lukin, and members of the Presidential Council for Civil Society and Human Rights, including its Chairman, Mr Mikhail Fedotov. In Saint Petersburg, he met with the local Ombudsman for Children's Rights, Ms Svetlana Agapitova. The Commissioner also had meetings with civil society representatives in Kazan, Moscow and Saint Petersburg, as well as representatives of the Federal Bar Association in Moscow.

As a follow-up to his visit, the Commissioner published on 15 July an Opinion on the legislation of the Russian Federation on non-commercial organisations in light of Council of Europe standards. The Commissioner made several recommendations to the Russian authorities, most notably to undertake a thorough revision of the legislation regulating the activities of NGOs, with the aim of establishing a clear, coherent and consistent framework in line with applicable international standards, including by empowering only one governmental institution to be in charge of issues such as registration, reporting, regulating and overseeing the work of NGOs. Another recommendation concerns the need to clarify the grounds for dissolution of an NGO, limiting them to those recognised by international standards. The Commissioner also recommended fundamentally revising, if not repealing, the following provisions: the definition of treason as amended in 2012; the definition of "political activity" as given in the Federal Law "On Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of the Activities of the Non-Commercial Organisations Performing the Functions of Foreign Agents" (known as the Law on Foreign Agents); and the definition contained in the same law of the term "foreign agent" and the provisions allowing for the criminal charges for "malevolent" non-compliance with that law. The Commissioner called on the authorities to refrain from any further steps in relation to the application of the Law on Foreign Agents pending further revision of the legislative framework, which should take into account the opinions and recommendations of human rights structures and civil society

institutions in the Russian Federation, as well as contributions by the Constitutional Court, the Supreme Court, and the European Commission on Democracy through Law (Venice Commission).

On 12 November, the Commissioner published his report on the administration of justice and protection of human rights, which was the principal focus of his visit to the Russian Federation. Specific issues examined on that occasion included the ongoing reform of the justice system, the independence and effectiveness of the judiciary, the observance of the right to a fair trial during judicial proceedings, and the prevention of ill-treatment. While welcoming the efforts already undertaken to reform the justice sector, the Commissioner stressed that substantial legislative, institutional and practical reforms should continue in order to remedy certain long-standing systemic problems in the administration of justice, including those highlighted in the case-law of the European Court of Human Rights. In particular, the Commissioner encouraged the authorities to develop a comprehensive strategy for further reform of the judiciary, with a view to promoting its full independence, impartiality and effectiveness.

The Commissioner noted with concern that perceptions persist within Russian society that individual judges are not shielded from undue pressure, both external and internal. With a view to addressing the factors which render judges vulnerable and undermine their independence, the Commissioner indicated four main areas where reform is needed: the role of the chairperson of the court; the non-transparent and complex, multi-layered system for appointing judges; the role of the prosecutor in the judicial system; and the caseload of judges. Future reforms should also focus on strengthening the right to a fair trial and on ensuring genuine adversarial proceedings and respect for the presumption of innocence. The wide discretionary powers exercised by the Prosecutor's Office contribute to a large extent to the prosecutorial bias which continues to prevail in the Russian criminal justice system. At the same time, defence rights are obstructed by harassment and other forms of pressure on lawyers. There is a need to secure a more favourable environment for the activities of defence lawyers, who should be in a position to provide assistance in the best interests of their clients and without unnecessary impediments.

As to the long-standing problem of torture and ill-treatment in police custody, and with a view to definitively reversing patterns of impunity, the Commissioner recommended introducing legislative amendments to criminalise torture as an independent crime, allowing the direct prosecution of police and other officials and excluding those officials implicated or complicit in cases of ill-treatment from investigations into such offences. While certain measures have been taken in order to address this issue following certain high-profile cases of torture and ill-treatment, much more needs to be done in order to effectuate a profound and lasting change in the behaviour of law enforcement officials vis-à-vis persons deprived of their liberty.

The Commissioner once again underscored the important role played by various human rights structures and civil society organisations in ensuring respect for human rights and promoting much-needed reform in the judicial system. Independence is essential to the proper functioning of ombudsman institutions and their ability to defend human rights, and should be further reinforced both in law and in practice. The Commissioner encouraged the authorities to consider the development of national and regional human rights action plans, which should be developed in close co-operation with all relevant stakeholders, most notably civil society and human rights institutions.

### ***Visit to Azerbaijan***

The Commissioner visited Azerbaijan from 22 to 24 May. The visit focused on human rights developments concerning freedom of expression, notably on the Internet, freedom of assembly and association, and the right to property.

During his visit, the Commissioner held discussions with the national authorities, including the Head of the Presidential Administration, Mr Ramiz Mehdiyev, the Minister of Internal Affairs, Mr Ramil Usubov, the Deputy Minister of Foreign Affairs, Mr Mahmud Mammad-Guliyev, the Deputy Minister of Justice, Mr Azer Jafarov, and the Deputy Minister of Communications and Information Technologies, Mr Elmir Velizade. The Commissioner also met with representatives of several non-governmental organisations, lawyers and journalists. The Commissioner travelled to the town of Ismayilli, where he discussed the protests which

took place there in January 2013. In Ismayilli, the Commissioner met with the Governor, Mr Mirdamed Sadigov, and with representatives of civil society. He also went to Kurdakhani pre-trial detention centre, near Baku, where he met with Ilgar Mammadov, Hilal Mammadov and Zaur Gurbanli.

Following this visit, the Commissioner published a report on 6 August. He stressed that releasing all persons who are in detention because of the views they hold and express should be a priority for the Azerbaijani authorities in order to protect freedom of expression.

Recommending the full decriminalisation of defamation, the Commissioner regretted that the President of Azerbaijan had signed amendments in June aimed at facilitating the application of defamation provisions to online expression. Another concern related to the excessive damages which are sometimes awarded in civil defamation cases. The Commissioner urged the authorities to finalise the reform of the defamation legislation in order to repeal imprisonment and allow only proportionate fines. The Commissioner further emphasised the urgent need to strengthen the independence and impartiality of the courts, which appeared to be particularly severe in judging journalists and others expressing critical voices. Recent restrictions to the exercise of fundamental freedoms online were also of concern, as a wave of arrests and prosecutions, as well as surveillance activities, had targeted social media users. The Commissioner called upon the authorities to cease these practices and to refrain from restricting or controlling Internet access and information available via the web by legislative and technical means.

Concerns remained about the limitations imposed on freedom of assembly, notably the excessive use of force by law enforcement officials to disperse demonstrations and the requirement of authorisation to hold public gatherings. The Commissioner called on the authorities to refrain from using force against peaceful demonstrators and to seek to facilitate and protect public assemblies at the organisers' preferred locations. Concerned at the recent harshening of the fines and the use of administrative detention against those participating in unauthorised public gatherings, the Commissioner urged the authorities to ensure that no disproportionate sanction, which would undermine the right to peaceful assembly, is imposed.

Recent amendments imposing additional restrictions on NGOs and stigmatising public discourse often directed at them were further areas of concern. The Commissioner called on the authorities to ensure full respect of the right to freedom of association, notably by alleviating the registration requirements and making the whole process, as well as the functioning of NGOs, less bureaucratic.

Lastly, the Commissioner expressed concerns about the effective enjoyment of the right to property in the context of the ongoing general urban renewal of Baku. He called on the authorities to ensure that all further expropriations and demolitions are carried out in a lawful and transparent manner. The authorities should also provide fair market value compensations and allow access to an effective national remedy for those who would like to challenge the decisions on their properties.

### ***Visit to Spain***

The Commissioner visited Spain from 3 to 7 June, travelling to Madrid and Seville. The visit focused on the impact of austerity measures on human rights, with particular emphasis on children and persons with disabilities, and the role of law enforcement officials in protecting human rights.

During his visit, the Commissioner held meetings with the national and regional authorities, including the Minister for Health, Social Affairs and Equality, Ms Ana Mato Adrover, the State Secretary for Social Services and Equality, Mr Juan Manuel Moreno Bonilla, the State Secretary of Justice, Mr Fernando Román García, the Undersecretary for Education, Culture and Sport, Mr Fernando Benzo Sainz, the Ambassador for Human Rights, Mr Juan Manuel Cabrera Hernández, representatives of the National Police and the Guardia Civil and the Delegates of the Andalusian government for Health and Social Affairs and for Education, Ms María Jesús Montero Cuadrado and Ms María del Mar Moreno Ruiz. The Commissioner also met with the national Ombudsman and the Ombudsman of Andalusia. In addition, he met with representatives of several civil society organisations both in Madrid and Seville and visited a support centre for children operated by "Save the Children" in Madrid (Puente de Vallecas), as well as

two civil society-run centres (the educational centre “Angel Rivière” for children with autism and the day care centre “Angel Diez Cuervo” for adults with autism) in Seville.

Following this visit, the Commissioner published a report on 9 October, in which he expressed concern about the particularly negative impact of cuts in social, health and educational budgets on the protection of children’s rights. He highlighted problems of malnutrition and housing, notably as a consequence of the wave of evictions due to non-repayment of mortgages, and growing child poverty rates. He urged the Spanish authorities to implement effective strategies to solve these poverty-related problems and increase the protection of social and economic rights. The impact of austerity measures on children and other vulnerable social groups must be assessed systematically, in close co-operation with civil society and the national and regional ombudsmen. The Commissioner also called on the authorities to reconsider their plans to abolish mandatory education in citizenship and human rights in schools.

As regards persons with disabilities, the Commissioner focused on shortcomings in the implementation of the 2006 Law on personal autonomy and care for dependency and, in general, on the negative impact of financial restrictions on most programmes and policies aimed at promoting the inclusion of persons with disabilities on an equal footing with others. He expressed particular concern about the impact of shrinking educational budgets on the inclusion of children with disabilities in mainstream education. The Spanish authorities were urged to complete the process of reform of the legislation on the legal capacity of persons with intellectual and psycho-social disabilities so as to give full effect to the principles enshrined in the UN Convention on the Rights of Persons with Disabilities.

As regards the conduct of law enforcement authorities, Commissioner Muižnieks invited the authorities to abolish the practice of incommunicado detention, which has led to serious human rights violations, and to continue to counter ethnic profiling practices. He also raised concerns about the disproportionate use of force by law enforcement officials to control anti-austerity demonstrations and the imposition of fines on demonstrators. He underscored in particular the need for police officials to wear visible identification numbers, especially in the context of demonstrations. The Commissioner also urged the government to end the practice of granting pardons to persons involved in serious human rights violations, including members of law enforcement authorities.

### ***Visit to Turkey***

The Commissioner visited Turkey from 1 to 5 July, travelling to Istanbul and Ankara. The visit focused on the role of law enforcement forces in the protection of human rights, with a focus on freedom of assembly, as well as the legal and institutional frameworks for the protection and promotion of human rights.

In the course of his visit, the Commissioner held discussions with representatives of the national authorities, including the Minister of Justice, Mr Sadullah Ergin; the Undersecretary of the Ministry of the Interior, Mr Seyfullah Hacımüftüoğlu; the Governor of Istanbul, Mr Hüseyin Avni Mutlu; the Chair of the Commission of Human Rights of the Turkish Grand National Assembly, Mr Ayhan Sefer Üstün; the Head of the National Delegation of Turkey to the Parliamentary Assembly of the Council of Europe, Ms Nursuna Memecan, and the President and members of the Constitutional Conciliation Commission. He also met the President of the Constitutional Court of Turkey, Mr Haşim Kılıç, Turkey’s Chief Ombudsman, Mr Nihat Ömeroğlu, and members of the Turkish Human Rights Institution. The Commissioner also held discussions with civil society organisations, including various professional associations and non-governmental organisations active in the field of protecting human rights, as well as academics and lawyers. The Gezi Park events, which had started less than a month before the Commissioner’s visit, and serious allegations of human rights violations committed by law enforcement personnel against demonstrators during the events featured prominently during these discussions.

On 26 November, the Commissioner published a report following up to this visit. He pointed to the fact that the excessive use of force and ill-treatment by and impunity of law enforcement officials was a long-standing human rights issue in Turkey, as attested by numerous judgments of the Court. The Commissioner highlighted several areas of concern, while also noting Turkey’s recent progress in the framework of its “zero-tolerance policy” against torture. With respect to freedom of assembly, he

considered that the Turkish legal framework was overly restrictive, notably concerning demonstrations deemed unlawful but which are peaceful, leading to unnecessary dispersals by force. The Commissioner also recommended that the Turkish authorities adopt clearer rules for the use of force in the context of demonstrations, in particular with respect to the use of tear gas and projectile-firing weapons, and better safeguards against ill-treatment and violations of the right to freedom of assembly by law enforcement officials.

The Commissioner also urged the Turkish authorities to pay specific attention to the problem of ill-treatment during apprehensions and in non-custodial settings, and highlighted certain concerns about the compatibility of the powers of the police with international standards, notably with regard to the use of firearms, the power to stop persons and the retention of personal data. He further recommended that the Turkish authorities address the issue of diversity within the police force, as well as the social and economic rights of law enforcement officials.

Stressing that impunity was a major problem seriously hampering Turkey's capacity to tackle the causes of human rights violations committed by law enforcement officials, the Commissioner urged the Turkish authorities to take a strong stance against this phenomenon, notably by removing all obstacles to effective investigations, prioritising investigations concerning law enforcement, and establishing an independent police complaints mechanism. With regard to investigations, the Commissioner made an inventory of the numerous, serious and consistent allegations of excessive use of force during the Gezi events which took place in June 2013, urging the Turkish authorities to investigate them promptly, adequately and effectively. He also stated his concern about the fear, expressed in particular by professional associations, of reprisals for non-violent involvement in the Gezi events.

As regards the national framework for human rights protection, the Commissioner welcomed the establishment of an Ombudsman Institution and the Turkish Human Rights Institution. While he considered that the former had the potential of contributing significantly to the domestic human rights framework, he encouraged the authorities to review the statute of the latter in the light of the Paris Principles, especially if they wish to entrust it with an independent monitoring function in accordance with the relevant international conventions, such as the OPCAT. He also encouraged the Turkish authorities to adopt comprehensive anti-discrimination legislation, to establish an equality body, and to adopt Turkey's first human rights action plan. For the further development of Turkey's national human rights framework, the Commissioner encouraged the authorities to reinforce their partnership with Turkey's vibrant civil society.

### ***Visit to Albania***

The Commissioner carried out a visit to Albania from 23 to 27 September, which focused on issues pertaining to human rights protection in the context of the administration of justice and the work of law enforcement agencies. He also took stock of developments following his predecessor's 2011 special report relating to the events of 21 January 2011 in Tirana and his own letter addressed to the Ministry of Justice of Albania in 2012 concerning certain aspects of access to justice. During his visit the Commissioner launched, in co-operation with the Albanian Ombudsman, the Albanian language version of the 2009 Commissioner's *Opinion concerning independent and effective determination of complaints against the police*. He also had an exchange of views with the academic staff and students of the Law Faculty of Tirana University on human rights challenges in Europe and mechanisms to address them.

During his visit the Commissioner held meetings with national authorities, including the Deputy Prime Minister, Mr Niko Peleshi, the Minister of European Integration, Ms Klajda Gjoshaj, the Minister of the Interior, Mr Saimir Tahiri, the General State Advocate, Ms Ledina Mandia, the Minister of Justice, Mr Nasip Naço, the President of the Constitutional Court, Mr Bashkim Dedja, the Deputy Chairman of the High Council of Justice, Mr Elvis Çefa, the Prosecutor General, Mr Adriatik Llalla and the Director of the School of Magistrates, Mr Neshat Fana. The Commissioner also met with the Ombudsman, Mr Igli Totozani and the Commissioner for the Protection from Discrimination, Ms Irma Baraku. During his stay in Tirana, he also met with representatives of international organisations and the diplomatic corps, as well as non-governmental organisations.

The Commissioner noted that justice and law enforcement in Albania are beset by long-standing, structural problems that have led to an almost zero level of trust by the public. He welcomed the government's commitment to fully executing the judgments of the European Court of Human Rights, notably the *Manushaqe Puto* pilot judgment concerning the systemic problem of the state's non-compliance with domestic court and administrative decisions.

The Commissioner noted that important reforms of the justice system have been envisaged in order to improve the courts' efficiency and to strengthen the independence and impartiality of judges. Some of these reforms will need to be accompanied by new legislation governing the work of the Constitutional Court, the Supreme Court and the High Council of Justice. He encouraged the authorities to seek expert advice from the Council of Europe's Venice Commission in this context.

Whilst welcoming the May 2013 changes to the Law on Legal Aid, the Commissioner urged the authorities to step up their efforts and make access to justice possible for all those in need, in particular vulnerable social groups, such as Roma and persons with disabilities.

As regards the proceedings concerning the events of 21 January 2011 and the serious human rights violations committed at that time, Commissioner Muižnieks remained concerned that a number of persons responsible for these violent acts still had not been held to account. He stressed the need to eradicate impunity and impose dissuasive penalties for serious human rights violations, noting that this is a major test case that is closely followed by the international community.

Lastly, the Commissioner noted that a lack of independent oversight of law enforcement agencies, in particular as concerns cases of ill-treatment and corruption, has fed impunity and corroded citizens' trust in this core state sector. In this context, he welcomed the Interior Minister's decisiveness to address these serious deficiencies.

The Commissioner's report following this visit was published on 16 January 2014.

### ***Visit to Denmark***

The Commissioner visited Denmark from 19 to 21 November. The visit focused on the human rights of asylum-seekers and immigrants, with particular emphasis on the rights of children in the context of asylum and immigration, and on the human rights of persons with disabilities, particularly those with psycho-social and intellectual disabilities.

During his visit the Commissioner held discussions with the Danish authorities, including the Minister of Justice, Mr Morten Bødskov, the Minister of Social Affairs, Children and Integration, Ms Annette Wilhelmsen and the Minister of Health and Prevention, Ms Astrid Krag. He also met with the Under-Secretary of State for Foreign Affairs, Mr Jonas Bering Liisberg, the Director of Public Prosecutions, Ole Hasselgaard, and representatives of the Danish Immigration Services, the Danish National Police and the Refugee Appeals Board. The Commissioner also held meetings with the representative of Greenland, Ms Tove Søvendahl Gant, the Parliamentary Ombudsman, Mr Jørgen Steen Sørensen, the Director of the Danish Institute for Human Rights, Mr Jonas Christoffersen, and with members of the Danish Human Rights Council. Furthermore, he met with representatives of a number of civil society organisations active in the field of human rights. He visited a residence for persons with autism in Copenhagen as well as the asylum reception centre of Sandholm and the Danish Prison and Probation Service's Institution for Asylum Seekers (Ellebaek).

While noting that the Danish authorities have introduced a number of positive changes in 2012 and 2013 in Denmark's immigration and asylum policies, the Commissioner stressed that further improvements were required to ensure full protection of the human rights of asylum-seekers and immigrants. Prominent among these was the need to ensure that the best interests of children are treated as a primary consideration in actions and decisions affecting them in the context of asylum and immigration, as required by binding international standards. The Commissioner focused in particular on some of the

requirements imposed on children for family reunification. He also expressed concern about the impact that life in asylum centres for indefinite periods of time has on children belonging to families of rejected asylum-seekers whose deportation order cannot be implemented. More generally, he called on the Danish authorities to put an end to the “legal limbo” in which these categories of asylum-seekers find themselves. The Commissioner also paid attention to the situation of unaccompanied minor migrants. In particular, in the context of projects aimed at promoting their return, he stressed the urgent need to ensure that no child is sent to countries in which he or she would be at risk of human rights violations. The Commissioner also discussed with the authorities measures to counter hate speech and hate crime, as well as the role of the police in fighting racism and intolerance.

Regarding persons with disabilities, the Commissioner welcomed the fact that these persons are ensured high-quality support and services in the community. However, noting the apparent trend in some municipalities to build increasingly large facilities to accommodate persons with disabilities, he stressed the need to ensure that living arrangements do not fall short of promoting autonomy and inclusion in the community, as required by the UN Convention on the Rights of Persons with Disabilities. Moreover, he highlighted certain problems regarding the legal capacity of persons with disabilities, in particular the existence of a regime of full incapacitation of persons with intellectual or psycho-social disabilities, which also deprives them of their right to vote. The Commissioner also paid specific attention to the long-standing problem of excessive use of coercion in Danish psychiatric institutions, an issue which is currently high on the agenda of the Danish authorities following the publication in late 2013 of a comprehensive report on psychiatry in Denmark.

A report following this visit will be published in early 2014.

### **1.3 Missions**

#### ***Mission to the Netherlands***

On 25 January, the Commissioner attended the Netherlands Helsinki Committee Conference “The Future of Human Rights in Europe” held in The Hague to celebrate the 25th anniversary of the organisation. The Commissioner’s keynote speech (“*The Future of Human Rights Protection in Europe*”) highlighted some crucial human rights challenges that Europe must face. These included protecting human rights in the context of anti-terrorism policies and in the field of migration, combating extremism and racism and securing the inclusion of vulnerable groups, such as the Roma. While the current context of austerity, together with a weakening of the idea of European integration and democratic backsliding in a number of countries render these challenges all the more serious, the Commissioner stresses that the latter can be met, inter alia, through a thorough implementation by member states of the judgments of the Court, coupled with a human rights-compliant response to the economic crisis and a true European-level migration policy with real solidarity. Effective measures against discrimination and hate-speech and ensuring that human rights and freedoms are not jeopardised online are further key areas for concerted action by all stakeholders.

The Commissioner took the opportunity of his presence in the Netherlands to meet with national human rights bodies, namely the National Ombudsman, Mr Alex Brenninkmeijer, and the Ombudsman for Children and Deputy Ombudsman, Mr Marc Dullaert, as well as the Chairperson of the recently established Netherlands Institute for Human Rights, Ms Laurien Koster. The Commissioner’s discussions focused mainly on the Dutch human rights protection system, which includes a Children’s Ombudsman since February 2011 and a human rights institute since October 2012. Further topics addressed included the promotion of tolerance and respect for diversity in society.

#### ***Mission to Germany***

On 20 February, the Commissioner travelled to Berlin on the invitation of the Committee on Human Rights and Humanitarian Aid of the German Parliament. He presented his work to the Committee and the subsequent exchange of views with its members covered numerous topics, including the human rights of

minority groups such as the Roma, combating racism and discrimination and the threat of right-wing extremism in several European countries.

During his stay in Berlin, the Commissioner also held discussions with other representatives of German authorities and institutions. At a meeting with the Minister of Justice, Ms Sabine Leutheuser-Schnarrenberger, discussions focused on the need to combat extremism and on on-going reforms in Germany to this end, and on the need to preserve and strengthen the system of human rights protection in Europe. The Commissioner also gained first-hand information on the important work of the German Parliament's Inquiry Committee formed to investigate a series of murders carried out by the National Socialist Underground (NSU) terror group. At a meeting with the Chair and other members of the Committee, the Commissioner expressed his hope that the Committee will be able to fully investigate the issues and that lessons will be drawn on how to better detect racist motives already at the outset of a criminal investigation. Lastly, the Commissioner visited the German Human Rights Institute, where he met with the Director of the Institute, Ms Beate Rudolf, as well as the Head of the UN Convention on the Rights of Persons with Disabilities National Monitoring Body, Mr Valentin Aichele.

### ***Mission to Sweden***

On the invitation of the Swedish authorities, the Commissioner travelled to Stockholm to attend the meeting of the Human Rights Directors of the Ministries of Foreign Affairs of the member states of the Enhanced Partnership in Northern Europe on 22 March. The Commissioner took the opportunity of his stay in Stockholm to hold a number of official meetings on 21 March, in order to discuss with the Swedish authorities a wide variety of issues relating to the protection of human rights in Sweden, as well as the human rights dimension in Sweden's external relations. In this context, the Commissioner met the Minister for Migration and Asylum Policy, Mr Tobias Billström, the Minister for Foreign Affairs, Mr Carl Bildt, the Minister for EU affairs, Ms Birgitta Ohlsson, the State Secretary for Integration, Mr Jasenko Selimovic, and the Equality Ombudsman, Ms Agneta Broberg. The Commissioner also had the opportunity to visit a specialised Swedish NGO monitoring and raising awareness about right-wing extremism in Sweden and neighbouring countries.

### ***Mission to Monaco***

On 19 April, the Commissioner delivered a keynote speech, entitled "Combating racism in Europe", at a conference in Monaco on the subject of racial discrimination and racism. In his speech, the Commissioner warned about the rise of such tendencies in Europe, and highlighted key problems such as racism in political ideologies and discourse, the marginalisation and exclusion of Roma, policies which stigmatise migrants and have other negative effects upon their human rights, the rise of racist hate crimes, and criminal justice policies which have a discriminatory impact upon minorities, such as racial profiling. While referring to international efforts in this domain, the Commissioner stressed the need for stronger efforts to combat racism at a national level.

The Commissioner was received by HSH Prince Albert II of Monaco. During his stay in the Principality from 18 to 19 April, he also had discussions with the following officials: Mr Philippe Narmino, Director of Judicial Services, Mr Laurent Nouvion, President of the National Council, Mr Paul Masseron, Government Counsellor for the Interior, and Mr Stéphane Valeri, Government Counsellor for Social Affairs and Health. The Commissioner informed his interlocutors about the main priorities of his work in the Council of Europe area. On the subject of the protection of human rights in Monaco, the Commissioner noted with satisfaction the adoption of legislation against domestic violence and was informed about the imminent enactment of revised legal provisions governing the detention of criminal suspects by the police. He also discussed with his interlocutors the issue of ratification of the Revised European Social Charter.

### ***Mission to Norway***

On 13 and 14 May, the Commissioner travelled to Oslo to participate in the conference "Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond" organised by the Norwegian Ministry of Foreign Affairs. In his intervention at the conference, the Commissioner outlined

the legal and policy framework related to hate crime in Europe. He also held discussions on the subject with Norwegian authorities and national human rights structures. The Commissioner met Ms Grete Faremo, the Minister of Justice and Public Security of Norway, Mr Arne Fliflet, the Parliamentary Ombudsman, and Mr Nils A Butenschøn, the Director of the Norwegian Human Rights Centre.

### ***Mission to Ukraine***

The Commissioner took the opportunity of his presence in Ukraine from 30 May to 1 June for the regional round table conference on human rights defenders organised by his Office (see section below) to have meetings with the Minister of Foreign Affairs, Mr Leonid Kozhara; the Minister of Justice, Mr Olexandr Lavrynovych; the Presidential Commissioner for Children's Rights, Mr Yury Pavlenko; members of the Office of the Parliamentary Commissioner for Human Rights; and with representatives of civil society. The discussions were mainly focussed on the on-going reforms in the judiciary and the follow-up given to the Commissioner's report on the administration of justice in Ukraine which was published in February 2012. Other topics included freedom of the media, freedom of assembly and the situation of migrants and asylum seekers.

### ***Mission to Bosnia and Herzegovina***

From 9 to 12 July the Commissioner carried out a visit to Bosnia and Herzegovina to take part in the commemoration ceremony for the victims of the Srebrenica genocide and the Summer University Srebrenica. In his address at the commemoration ceremony, the Commissioner underlined the need to continue seeking the truth and fighting against impunity for serious human rights violations. He stressed that the crimes committed in Srebrenica in 1995 are of such atrocity that we cannot allow any single person responsible for them to escape justice. He underscored the need to identify all genocide victims and clarify the fate of all missing persons as an absolutely necessary measure to alleviate the prolonged suffering of their families. He also urged governments in the region to show determination and build more inclusive and tolerant societies drawing lessons from the past.

In his speech at the Summer University Srebrenica the Commissioner outlined his major concerns regarding the pending issues of post-war justice and reconciliation in the region of the former Yugoslavia, including the lack of effective prosecution of war-related crimes, the pending cases of missing persons, the need to establish the truth about the past, protracted displacement in the region and the need for effective institutional reforms.

During his stay in Sarajevo the Commissioner had a number of high-level meetings in order to discuss with the authorities of Bosnia and Herzegovina issues relating to post-war justice and reconciliation. In this context, the Commissioner met with the Member of the Presidency of Bosnia and Herzegovina, Mr Bakir Izetbegović, the Minister of Civil Affairs of Bosnia and Herzegovina, Mr Sredoje Nović, the Minister of Justice of Bosnia and Herzegovina, Mr Bariša Čolak, the Deputy Minister for Human Rights and Refugees of Bosnia and Herzegovina, Ms Radmila Mitrović and the Ombudspersons of Bosnia and Herzegovina, Ms Jasminka Džumhur and Ms Nives Jukić. The Commissioner also met with civil society representatives, representatives of international organisations and the EU delegation to Bosnia and Herzegovina.

### ***Mission to Armenia***

From 20 to 22 October, the Commissioner travelled to Armenia to participate in the High-Level Conference on Combating Racism, Xenophobia and Intolerance in Europe, hosted by the Armenian Chairmanship of the Committee of Ministers. The purpose of the conference was to discuss current challenges concerning racism and xenophobia in political discourse and combating hate speech and racial stereotypes on social networks. During his stay in Armenia, the Commissioner held discussions with the authorities, including the Minister for Foreign Affairs, Mr Edward Nalbandian, the Minister of Justice, Mr Hrair Tovmasyan, the Head of the National Police, Mr Vladimir Gasparyan, the Deputy Minister of Defence, Mr Ara Nazaryan, and the Prosecutor General, Mr Gevorg Kostanyan. He also had meetings with the Human Rights Defender (Ombudsman), Mr Karen Andreasyan, and civil society

representatives. In addition, the Commissioner met a group of refugees from Syria, who are accommodated in a building in the Nork suburb of Yerevan.

### ***Mission to Strasbourg and Geispolsheim***

On 29 October the Commissioner carried out a mission to Strasbourg and Geispolsheim, which focused on the human rights of immigrants and asylum seekers.

The Commissioner met representatives of civil society organisations with expertise in this field, and visited the migrant detention centre of Geispolsheim, where he held discussions with the staff and migrant detainees. He concluded the visit with a meeting with the Prefect of Bas-Rhin and of the Alsace region, Mr Stéphane Bouillon, during which the Commissioner expressed his appreciation for the good collaboration between the state services and the NGOs working at the migrant detention centre of Geispolsheim.

Commissioner Muižnieks also shared with Prefect Bouillon certain concerns about the psychological distress of migrant detainees, but also about the situation of immigrants and asylum seekers outside the detention centre, emphasising in particular the lack of an adequate number of places in reception centres for asylum seekers and the worrying situation of unaccompanied migrant children.

## **1.4 Continuous Monitoring**

### ***Letter to the Prime Minister of Slovenia***

On 29 January, the Commissioner published a letter to the Prime Minister of Slovenia, Mr Janez Janša, concerning the human rights of persons who had been erased from the Register of Permanent Residents of Slovenia in 1992.

In his letter the Commissioner called on the Slovenian authorities to review the 2010 Legal Status Act in order to facilitate the re-inclusion into Slovenian society of those “erased” persons who still wish to have their residence status restored. He expressed his particular concern at the low number of applications and granted requests, a fact that may indicate that the law is not effective. In this context, he underlined that it would be useful to extend the deadline for the submission of applications for permanent residence, and to exempt the “erased” persons from the payment of the relevant administrative fees. The Commissioner noted with satisfaction that the Slovenian authorities translated a brochure aimed at informing the “erased” persons about the procedure that may lead to the granting of permanent residence into several regional languages. He stressed that additional efforts are necessary to ensure the wider dissemination of such information.

### ***Letter to the Minister of Justice of France***

On 17 October, the Commissioner published a letter to the Minister of Justice of France, Ms Christiane Taubira, concerning the annexes to the Courts of Meaux and Bobigny which have been created in the administrative detention centre of Le Mesnil-Amelot and in the migrant holding facility of Charles-de-Gaulle airport in Paris.

In his letter the Commissioner expressed his concern about respect for the human rights of the migrants required to appear at hearings in these annexes. He noted the French authorities’ desire, in relocating these hearings, to avoid costly transfers which are occasionally conducted in conditions which do not respect the dignity of the persons concerned. However, he underlined that holding off-site hearings raises several questions with regard to the human rights of the persons to be presented to the judge deciding on the legality of their deprivation of liberty. The Commissioner stressed that these off-site proceedings entail holding hearings in the immediate proximity of detention facilities where migrant litigants are held and that this situation, combined with the fact that these facilities are under the authority of the Ministry of the Interior, which is also a party to the proceedings, could undermine the independence and impartiality of the court concerned. The Commissioner also pointed out that the location of these hearing rooms and

the problems of accessing them, particularly by public transport, could make it difficult to safeguard the rights of the defence and undermine the principle of a public hearing.

### ***Memorandum to the UK Joint Committee on the Draft Voting Eligibility (Prisoners) Bill***

Following an invitation from the UK Joint Parliamentary Committee on the Draft Voting Eligibility (Prisoners) Bill to submit evidence, the Commissioner addressed a Memorandum to the Chair of the Joint Committee on 10 October. In the Memorandum, which was published on 17 October, the Commissioner stresses that, according to the case-law of the European Court of Human Rights, an automatic and indiscriminate ban on voting rights for prisoners constitutes a violation of the European Convention on Human Rights. He emphasises the obligation for member states to fully and effectively execute the judgments of the Court and the importance of such compliance for safeguarding the European system of human rights protection.

While the UK's non-compliance with the *Hirst (No. 2)* and *Greens and M.T.* judgments has thus far not caused irreparable damage to the Court, the Council of Europe, or the UK's international reputation, the Commissioner points out the possible negative consequences for the UK's interests, international reputation and influence on human rights related matters should the country withdraw from the European Convention.

### ***Letter to the Mayor of Rome, Italy***

On 11 December, the Commissioner published a letter he addressed to the Mayor of Rome, Mr Ignazio Marino, focusing on the segregation of Roma and Sinti, as well as on the living conditions and integration of beneficiaries of international or humanitarian protection.

Referring to his report on Italy published in September 2012, the Commissioner expressed his concerns about the housing situation of Roma and Sinti in Italy, including in Rome, reiterating in particular the need to discontinue policies of forced evictions and segregated camps for Roma and Sinti. He pointed to obstacles preventing Roma living in segregated camps from accessing social housing and urged the city authorities to ensure that access to social housing is granted to these persons on an equal footing with the rest of the population. The Commissioner also noted with concern the forced eviction in September 2013 of Roma families from the informal camp of Salviati and their relocation to the formal camp of Castel Romano, urging the authorities to ensure that evictions only take place as a last resort, following appropriate procedural safeguards and genuine consultation.

The Commissioner also expressed his continuing concern about the situation of refugees and beneficiaries of international or humanitarian protection, many of whom face utter destitution in Italy, including in the city of Rome. Referring in particular to those living in the so-called 'Selam Palace', which he visited in July 2012, the Commissioner welcomed the fact that the Mayor of Rome had personally visited the building and that the situation concerning residence registration had improved. However, he regretted reports that the number of people living in the building had increased since his visit there and that the sanitary conditions had further deteriorated, urging the authorities to find adequate solutions without delay in close consultation with the persons concerned.

### ***Letter to Prime Minister and Minister of Interior of Serbia***

On 12 December, the Commissioner published a letter addressed to the Prime Minister and Minister of Interior of Serbia, Mr Ivica Dačić, to express his concerns with regard to the human rights of asylum seekers in the country.

In the letter, the Commissioner stressed the need for Serbia to strengthen its asylum system and reception capacities in order to cope with the ever increasing number of arrivals, in particular from Syria. During his visit to the Bogovadja centre, the Commissioner witnessed that all 160 places were full and that as a result about 230 asylum seekers were living in the nearby forest, in shelters such as wooden shacks or tents, with no access to sanitation services. He emphasised that this situation requires urgent

action by the Serbian authorities and that every asylum seeker in Serbia should be accommodated in a place which meets international standards.

The Commissioner noted that Serbian law establishes that the registration of asylum seekers should be done in one of the two existing asylum centres and that a number of persons do not get registered, notably due to the inadequate reception capacity of these centres. With only three persons recognised as refugees since 2008, the Commissioner also expressed particular concern that even registered asylum seekers who submit their application have almost no prospect of being granted refugee status or subsidiary protection. While welcoming the efforts made, the Commissioner considers that in order to ensure a more effective asylum system, compliant with international standards, the Serbian authorities should in particular: increase the capacity of accommodation centres; establish a protection-sensitive screening mechanism able to cope with the needs of asylum seekers; improve the functioning of the Asylum Office as an independent unit within the Ministry of the Interior; and improve alignment of the processing of asylum claims with the management of accommodation.

## **2 Thematic activities**

### **2.1 Introduction**

Among the themes addressed by the Commissioner in 2013, the human rights of immigrants, refugees and asylum seekers, and the impact of the economic crisis and austerity measures on the enjoyment of human rights received particular attention. The Commissioner published two major research papers on these themes: a paper on the right to leave a country and another on safeguarding human rights in times of economic crisis. The plight of people fleeing Syria prompted the Commissioner's thematic visit to three member states to assess the situation of Syrian refugees.

Several other issues were highlighted in the Commissioner's work as well. Key "Human Rights Comments" and conference presentations focused on freedom of expression with reference to the media and the Internet, racist extremism and transitional justice. Revelations about massive secret surveillance programmes brought forward concerns about privacy. Several country visits demonstrated the urgent need to address ill-treatment by law enforcement officials.

The human rights and equality of minority groups, including Roma, people with disabilities and lesbian, gay, bisexual, trans and intersex persons (LGBTI) continued to be high on the Commissioner's agenda in terms of both thematic work and country monitoring. Children's rights received specific attention in the context of the economic crisis and migration. In addition, the Commissioner often reviewed the administration of justice and the national institutional framework for protecting human rights in his country reports.

### **2.2 Thematic mission: Syrian Refugee Crisis**

From 14 to 19 December, the Commissioner undertook a thematic visit to assess the situation of people fleeing Syria to Europe. The aim of the visit was to gain first-hand knowledge of the situation on the ground and to raise awareness about the urgent need for Europe to rise to the challenges posed by one of the world's biggest refugee crises of recent times, which is unfolding on its very doorstep.

The Commissioner travelled to Turkey, Bulgaria and Germany, a route that many persons forced to flee Syria currently take. He had the opportunity to speak at length with many of the refugees, including several families with children, and learn about their personal histories as well as current needs and hopes for the future. He also discussed practical challenges with those running refugee camps and centres and held fruitful meetings with the national authorities. The Commissioner benefited from the invaluable expertise of UNHCR, whose representatives he met in the three countries visited.

In Turkey, the Commissioner visited two temporary accommodation centres in the Hatay province, Altınözü and Yayladağı, the latter located only three kilometres away from the Syrian border. In Sofia, the Commissioner visited the refugee accommodation centre located in Voenna Rampa neighbourhood and the Special Centre for Temporary Accommodation of Foreigners in Busmantsi. In Germany, the Commissioner travelled to Friedland to visit an accommodation centre for refugees. The thematic visit ended with a press conference in Berlin where the Commissioner presented his impressions, findings and conclusions which were also highlighted in a Human Rights Comment on the subject published on 20 December.

The Commissioner noted that most European governments had reacted to the Syrian refugee crisis with striking indifference in spite of the size and proximity of this human tragedy and the fact that more than half of its victims were children. Europe's response had so far been limited to providing humanitarian assistance to some of the countries neighbouring Syria where people have sought refuge. As for actually receiving refugees, Turkey was the only country to have opened its arms fully to Syrians in need, estimated to have taken in about one million people fleeing Syria. This amounts to well over ten times the number of Syrians in all other 46 Council of Europe states combined. Germany, Sweden, and Armenia have also taken some steps to receive Syrian refugees through humanitarian admission and facilitated their family reunification.

However, with only a few thousand places available under these programmes (some 15 000 places available for resettlement as a whole) some Syrians have attempted to reach a safe haven in Europe on their own. Yet measures such as tightened visa requirements, strict conditions for family reunification and, in some cases, the illegal practice of push-backs have often made it impossible for them to do so. Detention and inadequate or even degrading living conditions await many of those who manage to reach the territory of some member states.

The Commissioner urged Council of Europe member states to respond generously to UNHCR's appeals not only for funding but also for the resettlement, to their own territory, of refugees staying in countries neighbouring Syria. Member states must fully abide by their human rights and refugee law obligations emanating notably from the European Convention on Human Rights and the UN Refugee Convention. To this end the Commissioner called on them to: keep their borders open to allow Syrian refugees to access their territory to seek and enjoy asylum, including by granting humanitarian visas; immediately cease any expulsions of Syrians at their borders; adopt formal moratoria on returns of Syrian refugees to Syria; refrain from returning Syrian refugees to countries neighbouring Syria, thereby avoiding adding to the challenges faced by their governments and local communities; refrain from using the "Dublin Regulation" for returning Syrian refugees to other European countries whose asylum systems are already overstretched; and ensure that Syrian refugees have adequate opportunities for integration in their host communities.

### **2.3 Human rights of immigrants, refugees and asylum seekers**

The human rights of immigrants, refugees and asylum seekers were a central theme in the Commissioner's activities in 2013. Particular attention was given to the criminalisation and detention of irregular migrants, violations of the right to *non-refoulement*, and the protection of migrant children. The Commissioner also carried out a thematic visit to Turkey, Bulgaria and Germany to assess the situation of Syrian refugees in Europe (see the section above).

In his keynote speech at a conference organised by the Centre for European Policy Studies in Brussels on 22 February, the Commissioner stressed that the criminalisation of migration was a disproportionate measure which exceeded a state's legitimate interest in controlling its borders. On 15 March, the Commissioner addressed the conference "Immigration – a source of wealth and duties for Europe" organised by the European Economic and Social Committee, the French Economic, Social and Environmental Council and the Council of Europe in Brussels. He underlined the necessity for European states to recognise the benefits of welcoming, rather than punishing migrants. On several occasions, including in the report on "the former Yugoslav Republic of Macedonia" published in April, the

Commissioner expressed concern about the criminalisation of migration targeting national minorities, particularly the Roma.

On 11 June, the Commissioner spoke at a seminar in Strasbourg on the occasion of the launching of a handbook on European law relating to asylum, borders and immigration prepared by the European Court of Human Rights and the EU Agency for Fundamental Rights. The Commissioner stressed that the current European migration policy which viewed migrants primarily as a security concern was in contradiction with the right to seek and enjoy asylum and with the principle of *non-refoulement*.

Some of these concerns were also reflected in the Issue Paper “The right to leave a country”, which was published by the Commissioner in November. The paper focuses on six themes: the right to leave a country, including one’s own; the right to seek and enjoy asylum; non-nationals’ right to leave a country; prohibited discrimination as regards the right to leave a country; the situation in the Western Balkans; and the impact of the EU externalisation of border control policies on the right to leave a country. The Commissioner underlined the need for EU border control policies to become more respectful of human rights standards, as well as more transparent and accountable.

The negative effects of the systematic and prolonged detention of irregular migrants were highlighted in the report on Greece and in the context of several visits and missions, including those to Denmark, Strasbourg and Geispolsheim (France). In November, the Commissioner sent a letter to the Serbian authorities concerning the lack of adequate reception facilities for asylum seekers in Serbia.

The need to protect migrant children was stressed by the Commissioner at an event on “Access to citizenship and its impact on immigration integration”, organised by the Migration Policy Group in Brussels on 22 February. The Commissioner urged member states to grant citizenship to children born to stateless parents and to parents whose nationality cannot be transmitted to their children. The detention and returns of unaccompanied children were highlighted in a Human Rights Comment published in September. These issues were also raised during the visits to Greece and Denmark.

During the year, the Office participated in several conferences which explored themes concerning migration and asylum, including the interaction between international humanitarian law and refugee law (Oxford in February), the reform of the Common European Asylum System (Trier in October), and policies for maximising the benefits of migration in the future (Vienna in November).

## **2.4 Effects of austerity measures on human rights**

The impact of the economic crisis on the enjoyment of human rights is an overarching theme which ran through much of the Commissioner’s thematic, country and awareness-raising work. In December, the Commissioner published an issue paper on safeguarding human rights in times of economic crisis which outlines the related human rights problems and provides guidance to member states in view of their responses to the crisis. While launching the paper, the Commissioner pointed out that many governments in Europe imposing austerity measures had forgotten about their human rights obligations, especially the social and economic rights of the most vulnerable, the need to ensure access to justice, and the right to equal treatment. Regrettably, international lenders had also neglected to incorporate human rights considerations into many of their assistance programmes.

The issue paper stresses that the economic crisis has been transformed into a new political reality of austerity which has affected the whole spectrum of human rights. Many vulnerable groups of people have been affected disproportionately. Deepening poverty, including child deprivation, and youth unemployment are likely to have long-term effects. The economic crisis is also undermining the capacity of central and local authorities to ensure human rights protection.

As embodied in international human rights law, civil, political, economic, social and cultural rights are not expendable in times of economic hardship, but are essential to a sustained and inclusive recovery. There is growing national and international case-law on the implementation of human rights in the crisis context. This is particularly the case for states’ obligations to protect economic and social rights, avoid further

erosion and retrogression of these rights and prevent disproportionate impacts of austerity measures on particular sectors of the population. Ombudsmen, human rights commissions and equality bodies have great potential to promote human rights-compliant responses to the crisis and protect people from discriminatory measures which result in inequalities.

The issue paper lays out the Commissioner's recommendations which help governments align their economic recovery policies with their commitments to human rights. Governments should conduct systematic human rights and equality impact assessments of social and economic policies and budgets while ensuring transparency, participation and public accountability in the policy cycle. Social protection minima and labour rights have to be maintained during the crisis. Particular attention needs to be paid to guaranteeing access to justice for all, promoting equality and combating racism.

Transparent financial regulations should be adopted to regulate the financial sector in the interests of human rights, and governments should consider the human rights impacts of their decisions taken within international and European institutions of economic governance. The Commissioner urges member states to ratify the major European and international human rights instruments in the field of economic and social rights and reinforce their national implementation. Moreover, there is a need to strengthen the effectiveness and independence of national human rights structures which can protect people in an accessible way against infringements of human rights resulting from austerity.

The Commissioner reviewed the effects of austerity measures on vulnerable groups of people during his country visits to Estonia and Spain with a particular emphasis on children, young people and people with disabilities. In his report on Greece, the Commissioner pointed out that the crisis situation magnified the problem of intolerance and racism as well. In addition, he highlighted austerity as the context for implementing human rights in many major speeches and media interviews, for example in his address to the 25<sup>th</sup> anniversary of the Netherlands Helsinki Committee in January and his speech to a conference of national human rights structures in Vienna in October.

Information and good practices about human rights compliant responses to the economic crisis were exchanged with the European Committee of Social Rights (ECSR) and European networks of national human rights structures. In March, the Commissioner held an exchange of views with the ECSR during which he highlighted the need to uphold social and economic rights under austerity. The European Network of National Human Rights Institutions and the European Network of Equality Bodies contributed to the preparation of the Commissioner's issue paper on the crisis.

## **2.5 Freedom of expression and media freedom and human rights**

Freedom of expression with particular reference to the media and the Internet continued to be one of the main areas of the Commissioner's work in 2013. On 3 May, World Press Freedom Day, the Commissioner published a Human Rights Comment on press freedom in the digital age. He pointed out that bloggers, reporting citizens and others active on the Internet had joined traditional journalists in the ranks of those who were at risk of retaliation by state authorities or interest groups. The protection and safety of journalists must therefore be strengthened in a manner that is as inclusive as possible, including not only journalists in the formal sense, but all those reporting in the public interest.

The Commissioner stressed that the new and diffuse nature of the Internet should never be taken as a pretext for introducing new limitations to the exercise of human rights that go beyond what is allowed by international standards. Proportionality and judicial oversight are two key principles that should be systematically applied in accordance with the case-law of the Court to ensure the State's primary responsibility for protecting human rights in this field.

The Commissioner made a keynote speech at the Council of Europe Ministerial Conference on freedom of expression and democracy in the digital age in November in Belgrade, Serbia. He highlighted restrictions to media freedom on grounds of national security as particularly serious, following the recent disclosures on US and UK mass surveillance programmes. He underlined that spying on individuals on a massive scale, without strict legal rules and democratic oversight, can have adverse effects on freedom

of expression by provoking a chilling effect on investigative journalists and activists who might fear exposing their sources. The Commissioner also contributed to the Committee of Ministers' thematic debate on the safety of journalists in December.

Freedom of expression, internet freedom and the safety of journalists were the focus of the Commissioner's intervention in Stockholm at a human rights meeting of the Enhanced Partnership in Northern Europe in March. During the World Forum for Democracy in November, the Commissioner participated in a panel discussion on ways to guarantee the safety of human rights defenders through social media and to ensure that their online work remains untraceable.

During his visits to member states, the Commissioner often raised issues pertaining to freedom of expression. In June, the Commissioner and the OSCE Media Freedom Representative, Dunja Mijatović, published a joint statement expressing serious concern at further restrictions to free expression in Azerbaijan, following the promulgation of legislative amendments extending the application of criminal defamation provisions to online expression.

## **2.6 Racist extremism**

Racist extremism was a major concern for the Commissioner in 2013. The Commissioner focused on the challenges racist violence and racist extremist parties pose to European democracies and on hate speech, including on the Internet. The Commissioner noted with concern the increased number of attacks in recent years against migrants, Roma and other minorities in several European countries.

In May, the Commissioner published a Human Rights Comment entitled "Europe must combat racist extremism and uphold human rights". He stressed that the increased influence and presence of racist extremist political parties at national and European level lent legitimacy and credibility to political extremism, which was often linked to racist crimes. The Commissioner urged member states to sanction racist organisations and to ensure the protection of human rights through the eradication of impunity, effective protection of victims, and systematic work to raise awareness.

These issues were at the core of the Commissioner's report on Greece. The Commissioner also addressed the response of the authorities to racist violence committed by extremist groups during a contact visit to Germany. In his report on the Czech Republic, the Commissioner urged the authorities to effectively investigate hate speech and hate crimes against Roma and other minorities. He addressed issues pertaining to the need to promote majority-minority interaction, minority participation and non-discrimination in his reports on "the former Yugoslav Republic of Macedonia" and Estonia.

On 17 September the Commissioner participated in a thematic debate on the rise of extremism organised by the Council of Europe Committee of Ministers. The Commissioner pointed out that the victims of extremist crimes tend to belong to the most vulnerable minority groups, in particular Roma and other national, ethnic and linguistic minorities, migrants, and also members of the LGBTI community. The vulnerability of the targets of racist extremists derived from their position in society as victims of widespread prejudice and social exclusion, as well as from their limited access to justice and frequent lack of protection by law enforcement authorities.

In 2013, the Commissioner addressed several conferences on racism and extremism. On 19 April, the Commissioner delivered a speech at a conference in Monaco on combating racism in Europe. The Commissioner highlighted key problems such as racism in political ideologies and discourse, the marginalisation and exclusion of Roma, policies which stigmatise the human rights of migrants, the rise of racist hate crimes and racial profiling. During a conference on right-wing extremism and hate crime in Oslo on 14 May, the Commissioner outlined the applicable human rights framework and stressed that state policies should be reviewed for any racist bias.

On 21 and 22 October the Commissioner participated in the High Level Conference on Combating Racism, Xenophobia and Intolerance in Europe, hosted in Yerevan by the Armenian Chairmanship of the Committee of Ministers of the Council of Europe. The Commissioner stressed that hate speech was one

of the most prominent dangers of Internet and expressed concern that many parties and politicians engaged in intolerant discourse and incitement to hatred in the context of political activism taking place through the social media. In a video message addressed to the Council of Europe “No Hate Speech Movement” Conference organised on 7-9 November in Strasbourg, the Commissioner encouraged all member states to shape cyberspace as a space of, and for, human rights.

The Commissioner’s Office contributed to a conference on the rise of extremism in Europe, organised by the Greek Policy Forum in March. The Office also participated in the Third Regional Roundtable Meeting “Challenging anti-Muslim Prejudice and Promotion of Mutual Understanding in Multicultural Societies through Education”, organised by OSCE/ODIHR, UNESCO and the Council of Europe in May.

## **2.7 Conduct of law enforcement officials**

The Commissioner paid increasing attention to the conduct of law enforcement officials in 2013. Several serious issues related to police misconduct across Europe were identified during the year: ill-treatment and deaths due to ill-treatment in police custody; disproportionate use of force during demonstrations and apprehensions; and police violence and abusive stops and searches targeting minorities and migrants. Ill-treatment by the police can have particularly serious human rights consequences as the task of the police is to protect the public.

In a number of reports and media interventions related to Albania, Azerbaijan, Greece, the Russian Federation, Spain, and Turkey, the Commissioner stressed that it was essential to combat impunity for police misconduct so that victims can receive justice, future misconduct by law enforcement officials is deterred, and that public trust in law enforcement is strengthened. He highlighted the key role of political leadership in efforts to address police misconduct. The Commissioner pointed out that pardons of law enforcement officials convicted of misconduct, inadequate sanctions for ill-treatment and political rhetoric justifying such misconduct were unacceptable, as they signalled tolerance for reprehensible behaviour.

The Commissioner also underlined the need for a clear legislative and policy framework that reduces the probability of misconduct by regulating the use of force by the police while sanctioning ill-treatment when it occurs. He stressed the importance of developing processes of selection, recruitment and promotion for police officers which take into consideration reports of past misconduct, racist attitudes, and the ability of individuals to withstand stressful situations. The Commissioner advocated the creation of independent police complaints mechanisms or the empowerment of ombudsman offices to investigate complaints about the police. In addition, he called on member states to pay attention to the social and economic rights of police officers, such as adequate pay, sufficient rest, and psychological support.

## **2.8 Secret surveillance and right to private life**

In 2013, the Commissioner highlighted the human rights concerns brought to light by the revelations of mass secret surveillance programmes disclosed by the whistle-blower Edward Snowden, among others. In an opinion piece published in the Guardian on 26 June the Commissioner pointed out that privacy was a fundamental right which was essential for living in dignity and security. He stressed that those who carried out secret surveillance programmes risked undermining or even destroying democracy while pretending to defend it and called on states and private companies to develop surveillance and data collection policies that respected human rights.

In a Human Rights Comment published in October, the Commissioner said that while the duty of states to ensure security within their borders could involve the use of secret surveillance in certain cases, adequate and effective guarantees against abuse had to be provided through legislation that strictly abides by the case-law of the Court. The Court has clearly stated that secret surveillance activities cannot be allowed to undermine democracy under the cloak of defending it. He called on private companies and states alike to be more cautious in using data relating to private life and to avoid any abuses that could arise from indiscriminate data mining.

The lack of privacy engendered by secret surveillance also affects freedom of expression. In his keynote address to the Council of Europe Ministerial Conference on freedom of expression and democracy in the digital age in November, the Commissioner pointed out that spying on individuals on a massive scale can provoke a chilling effect on investigative journalists and activists who might fear the exposure of their sources.

## **2.9 Transitional justice**

Transitional justice was one of the issues tackled in the Commissioner's work in 2013. The activities focused on the region of the former Yugoslavia where a number of challenges still remain in this area.

On 11 July, the Commissioner took part in the commemoration ceremony for the victims of the Srebrenica genocide in Bosnia and Herzegovina during which he pointed out that it was necessary to continue to seek the truth and fight against impunity for serious human rights violations. In a Human Rights Comment on justice and reconciliation in the Balkans published in July he stated that one of the key challenges for societies emerging from conflicts was to deal with the past. The Commissioner stressed that a fundamental requirement for reconciliation was to bring to justice those who had committed war-related crimes, including acts of sexual violence and that states in the region had a moral and legal obligation to enhance their efforts and regional co-operation to resolve the cases of missing persons and the pending issue of protracted displacement.

The human rights of persons who had been erased from the Register of Permanent Residents of Slovenia in 1992 – the “erased” – was addressed in the Commissioner's letter to the Prime Minister of Slovenia published in January and an opinion piece in the Slovenian daily newspaper *Delo* on 19 October. The Commissioner highlighted the need to facilitate the re-inclusion of “erased” persons in society and to provide full remedy for the human rights violations which had taken place. In his report on “the former Yugoslav Republic of Macedonia” the Commissioner addressed certain unresolved issues related to the 2001 conflict in this country, including impunity for serious human rights violations, missing persons and the human rights of displaced persons.

In January, the Commissioner's Office participated in a Wilton Park conference on transitional justice, security and development. Among the key points emerging from the discussion was the need for transitional justice measures to be sensitive to context, to look for local solutions and take account of local realities where poverty is coupled with inequality.

## **2.10 Human rights of Roma**

The human rights of Roma, with a focus on hate speech, obstacles to freedom of movement, and segregation were a central theme in the Commissioner's work in 2013.

In an address to the European Roma and Travellers' Forum on 3 September, the Commissioner stressed that member states should be more active in condemning and sanctioning hate speech and hate crimes and combating pervasive racism against the Roma in all settings. In the report on Greece, he pointed out that Roma had clearly been targeted by hate speech and racist attacks carried out by extremist groups and that insufficient measures had been taken to counteract such actions. Following the highly publicised cases of withdrawal of Roma children from their families in Greece and Ireland in October, the Commissioner criticised irresponsible media reporting about Roma which propagated negative myths and fuelled already widespread violent anti-Roma movements. He also paid attention to the stigmatisation of Roma migrants from Bulgaria and Romania by politicians and the media.

Roma migrants' freedom of movement was another prominent theme for the Commissioner. The issue paper on the right to leave a country published by the Commissioner in November highlights the obstacles imposed on persons, most of them Roma, attempting to leave Western Balkan countries on the ground that they presumably intend to abuse the right to seek asylum in EU member states. This concern was also raised in the report on “the former Yugoslav Republic of Macedonia” and the Commissioner's

keynote address at an event on the criminalisation of irregular migrants and national minorities at the Centre for European Policy Studies in February.

The persisting segregation of Roma in education was referred to in the reports on the Czech Republic and “the former Yugoslav Republic of Macedonia”. Segregation in the area of housing was highlighted in the Commissioner’s letter to the Mayor of Rome in December.

## **2.11 Human rights of LGBTI persons**

The human rights of lesbian, gay, bisexual, trans and intersex persons (LGBTI) continued to attract the Commissioner’s attention in 2013. Particular attention was given to the right to family life, freedoms of expression and assembly, legal recognition of trans people and the situation of intersex persons. The Commissioner met with LGBTI activists during country visits to the Republic of Moldova, the Russian Federation and Turkey, and relayed their concerns to the authorities. He also highlighted the vulnerable position of LGBTI human rights defenders.

The Commissioner issued a statement condemning violence against LGBTI protesters in Tbilisi in May and a video message of support to the Baltic Pride in Vilnius in July. In September, he urged the Serbian authorities to permit and protect a Pride event in Belgrade. The Commissioner addressed several letters to parliaments and authorities on LGBTI issues, including letters encouraging reforms on legal gender recognition in Croatia and Poland, and a support letter to the Portuguese Parliament regarding second parent adoption, in line with the recent case-law of the Court.

On 25 October, the Commissioner gave a video message to the ILGA-Europe 2013 Annual Conference “Family matters! Reaching out to hearts and minds” in Zagreb. In the message he noted that the concept of the family was changing rapidly in Europe, resulting in the Court’s clear recognition that same-sex couples living in a stable partnership with or without children fell within the notion of ‘family life’ protected by the European Convention on Human Rights. The Commissioner welcomed the significant progress made in the legal recognition of LGBTI families in many member states.

In March, the Commissioner’s Office participated in an expert meeting on the human rights of LGBTI persons organised by ILGA-Europe in Brussels. The meeting took stock of efforts to advance the recognition of the human rights of LGBTI persons during the past three years and identified priority issues to be addressed in the coming years. In May, the Office participated in the International IDAHO 2013 Forum organised by the Dutch government in The Hague during which the EU Agency for Fundamental Rights and ILGA-Europe published reports on the prevalence of discrimination against LGBTI people in Europe.

In December, the Office organised a consultation on human rights and intersex persons in conjunction with the 2013 Intersex Forum in Malta. The consultation identified settings where the human rights of intersex persons are at risk, outlined protection gaps, and discussed means and institutional mechanisms for improving protection and accountability.

## **2.12 Children’s rights**

In 2013, the Commissioner continued to focus on the impact of austerity measures on children’s rights as one of the groups of people most affected by the economic crisis. He paid particular attention to the rights of the child in his reports on Estonia and Spain. The Commissioner stressed that social protection, access to health care, adequate housing and quality education were crucial rights, protected by the UN Convention on the Rights of the Child, which could not be ignored even in times of strict austerity measures. He called on member states to assess the impact of austerity policies on children’s rights and take action to curb the growing poverty rates among children.

In a Human Rights Comment published in July, the Commissioner highlighted the re-emergence of child labour as one of the possible consequences of the economic crisis. He noted the general lack of awareness of this problem and invited member states to investigate, collect data and monitor child labour.

He also stressed the need for more vigorous action against trafficking of children for work and exploitation.

The Commissioner called on member states to take vigorous measures to eradicate statelessness and to ensure that all children can acquire a nationality immediately after birth as required by the UN Convention on the Rights of the Child. Child statelessness was raised in the reports on Estonia and “the former Yugoslav Republic of Macedonia” as well as in a Human Rights Comment published in January.

In September, the Commissioner published a Human Rights Comment on the best interests of the child in decision-making about migrant children. He urged member states to ensure that the best interests of the child are a primary consideration in all decisions regarding asylum-seeking or migrant children with particular reference to returns, detention and age-assessment procedures. The Commissioner warned against setting up institutions to accommodate unaccompanied minors whose asylum claims were rejected in countries where their safety and wellbeing would be at risk.

### **2.13 Human rights of persons with disabilities**

The situation of persons with disabilities and the gaps in the implementation of international and European standards related to them remained a major concern for the Commissioner in 2013. The Commissioner continued to pay special attention to the negative impact of austerity budgets on the enjoyment of human rights by people with disabilities and notably the support measures which they are entitled to under the UN Convention on the Rights of Persons with Disabilities (CRPD).

The Commissioner highlighted the situation of persons with psychosocial and intellectual disabilities since these persons constitute a particularly stigmatised and vulnerable group who are often deprived of their most basic human rights. In his first oral intervention before the European Court of Human Rights in September, the Commissioner addressed the Grand Chamber in a case concerning a young man suffering from a severe learning disability who had died at the age of 18 at a psychiatric hospital after having spent all his life in institutions (*Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*; application No. 47848/08). The case touched on priority issues for the Commissioner such as the right to legal capacity for persons with disabilities and their access to justice.

The Commissioner’s Office continued to translate and disseminate earlier issue papers on the right to legal capacity for persons with intellectual and psychosocial disabilities and on the right of people with disabilities to live independently and be included in the community. Both papers were presented at a regional conference on legal capacity and community living of persons with disabilities organised in Belgrade in May, with the participation of civil society organisations advocating for the rights of persons with disabilities in Serbia, Bosnia and Herzegovina, Croatia, Turkey and Kosovo.

The Commissioner’s reports on the Czech Republic and Spain and the visit to Denmark also referred to the themes of the issue papers. In all three countries, the Commissioner urged the authorities to complete the reform process of their legislation and practice on the legal capacity of persons with intellectual and psycho-social disabilities in line with the CRPD and with particular reference to the provision of supported decision-making alternatives.

The de-institutionalisation process was highlighted in the report on the Czech Republic while the risk of isolation brought on by the accommodation of persons with disabilities in large facilities was stressed during the visit to Denmark. The Commissioner issued recommendations about fully inclusive education for children with disabilities to the Czech and Spanish authorities. He reviewed the effects of austerity measures on the enjoyment of human rights by people with disabilities in his reports on Estonia and Spain.

### **3. Human Rights Defenders**

In 2013, the Commissioner continued to raise issues related to the situation of human rights defenders, the work they conduct and their working environment. During his country work, the Commissioner addressed, for example, restrictions and obstacles impeding free human rights work. The protection of human rights defenders, especially those working in difficult contexts, remains an important issue in the Council of Europe area. The Commissioner held a thematic consultation with human rights defenders in the form of a Round-Table on Human Rights and the Security Sector.

#### **3.1 Country situations and dialogue with authorities**

The situation of human rights defenders has been an important aspect of the Commissioner's work with respect to the Russian Federation. During his visit to the country in April, the Commissioner expressed his concerns regarding the inspections of non-commercial organisations following the entry into force of new legislation, including the 2012 Law on Non-Commercial Organisations Performing the Function of Foreign Agents. As already signaled in 2012, the Commissioner expressed concerns regarding the Law's broad and vague definition of the notion of political activity and the use of the term "foreign agent" carrying a negative connotation in the Russian context.

The Russian authorities have acknowledged the important role played by non-governmental organisations in public life and their contribution to the decision-making process. Indeed, these organisations are members of various officially-established consultative and advisory bodies to the federal, regional and local authorities, and they participate in the public oversight commissions monitoring the situation in places of detention. However, the official rhetoric and on-going inspections have had a chilling effect on the work of these organisations, which include human rights organisations.

In his report following his visit to Azerbaijan in May, the Commissioner addressed freedom of association issues and the difficult working environment for NGOs. The Commissioner was concerned that problems relating to the registration of non-governmental organisations had not abated. A further cause for concern were the additional restrictions imposed on NGOs by recent legislative amendments, as well as the political discourse stigmatising NGOs, in particular those receiving funds from abroad. The Commissioner called on the authorities to ensure full respect of the right to freedom of association, notably by alleviating registration requirements.

On several occasions, the Commissioner expressed concerns regarding attacks on individual human rights defenders in various member states of the Council of Europe.

In February, the Commissioner published a Human Rights Comment entitled "Belarusian human rights defenders need support" where he stressed the important role of the Council of Europe and its member states in contributing to protecting the integrity and security of human rights defenders in Belarus, including by abstaining from actions that could harm them and by providing concrete protection measures for defenders at risk and their family members. The Commissioner also called for continued and strengthened support to the work and activities of human rights defenders in Belarus, including through partnerships and co-operation with other European human rights actors.

#### **3.2 Round-Table on human rights and the security sector**

On 30 and 31 May, the Office of the Commissioner organised a Round-Table with human rights defenders on human rights and the security sector in Kyiv, Ukraine. About 20 defenders from seven countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia and Ukraine) participated in the event. The aim was to assess human rights issues, including abuses, stemming from the work of the security sector, as well as ways to enhance that sector's human rights compliance.

An expert from the Polish Helsinki Foundation for Human Rights analysed the main trends based on experiences in Central and Eastern European countries. The potential for abuse arises in the context of

access to personal data and use of billing information from telecommunications operators, and very serious violations have resulted from co-operation in the framework of counter-terrorism activities (e.g. CIA secret detention facilities and operations). There is also a persistent problem of involvement of the security sector in political processes, and of targeting political opponents and civil society actors. Freedom of access to information by the public, as well as effective judicial control over wiretapping and surveillance measures, are important safeguards against abuse.

The most common human rights violations arising from the activities of security sector agencies as reported by participants in the round-table relate to cases of ill-treatment; the use of abusive surveillance, entrapment, detention and politically-motivated processes to curb political opposition and criticism; and human rights abuses occurring in the armed forces.

Discussions also centred on the situation of human rights defenders and their working environment, which had deteriorated in some countries, due to the adoption of more restrictive legislation and/or an increase in harassment. Participants pointed to problems in accessing foreign funding which is being increasingly restricted and penalised.

A number of oversight and monitoring mechanisms, mainly relating to the situation in closed institutions (e.g. prisons, police) have been put in place in different countries of the region with the participation of human rights NGOs. These bodies, including National Preventive Mechanisms established under the Optional Protocol to the UN Convention Against Torture, do not always function properly and have a limited mandate. Participants continued to raise grave concerns about the lack of effective investigations into cases of torture and ill-treatment committed by security sector and law enforcement officials. Some participants proposed that the work of investigative bodies also be subject to civic oversight and assessment. Participants highlighted the need for greater transparency, control and oversight regarding the functioning and activities of the security sector.

A report on the Round-table is available on the Commissioner's website.

### **3.3 Other events**

#### ***OSCE/ODIHR Meeting on developing recommendations on the protection of human rights defenders***

On 10 and 11 June, the Office of the Commissioner took part in a meeting convened in Warsaw by the OSCE/ODIHR Human Rights Department aimed at developing OSCE/ODIHR Recommendations on the protection of human rights defenders (the Recommendations). The meeting brought together the main inter-governmental and non-governmental actors working on the protection of human rights defenders at the international level. Participants discussed the gaps, challenges and good practices in relation to the situation of human rights defenders and their working environment. They also exchanged views about the key themes of the Recommendations, to be launched in 2014, the methodology, consultation process and follow-up. The Office of the Commissioner shared its experience on the basis of the work it conducts in relation to human rights defenders (country and thematic work, Round-Tables with defenders, etc.). The Office will continue following the elaboration of the OSCE/ODIHR Recommendations.

#### ***World Forum for Democracy***

On 28 November, the Commissioner participated in a panel discussion on "Digital Human Rights Defenders" in the framework of the World Forum for Democracy. He discussed two specific initiatives: the Natalia Project, an initiative of Civil Rights Defenders which seeks to protect human rights activists at risk, and the TAILS (The Amnesiac Incognito Live System) initiative, launched by the National Democratic Institute, which aims at guaranteeing that the online work of human rights activists remains untraceable. In the context of multiple challenges faced by human rights defenders, Internet can represent a threat for human rights defenders, when state and non-state actors use information available on the Internet and social networking sites to harass and threaten human rights defenders and activists. However, it also

represents an opportunity, as social media play an important role in strengthening freedom of association and freedom of assembly.

## **4. Co-operation with national human rights structures**

National human rights structures (NHRs – e.g. ombudsman institutions, human rights commissions and equality bodies) are essential partners in the Commissioner’s dialogue with member states as laid out in the Commissioner’s mandate. In 2013, the Commissioner met with representatives of NHRs during his country visits and in Strasbourg to discuss human rights concerns. Information provided by NHRs was regularly used in the preparation of country visits and referred to in the reports following them.

On 7-8 October, the Commissioner’s Office co-organised the conference “Strengthening fundamental rights protection together in a changing human rights landscape” in Vienna. The meeting brought together ombudsman institutions, members of the European Network of National Human Rights Institutions (ENNHRI) and the European Network of Equality Bodies (Equinet), the Council of Europe and the EU Agency for Fundamental Rights to identify shared human rights concerns and means of responding to them. During the conference, the Commissioner highlighted the progress achieved in establishing independent NHRs across Europe and the essential role such bodies can play in times of economic crisis. This landmark conference made an important contribution to stepping up co-operation between NHRs, the Council of Europe and the EU Agency for Fundamental Rights. Regular thematic co-operation platforms will be set up in 2014 to follow up to the meeting.

In May, the Commissioner’s Office participated in the 26th session of the International Coordinating Committee of National Human Rights Institutions and a meeting of the ENNHRI in Geneva. In June, the Office participated in a panel debate at an ENNHRI event on austerity and Human Rights in Europe. In September, a representative of the Office delivered the Commissioner’s address to the 25-Year Anniversary Conference of the European Ombudsman Institute in Innsbruck. The Commissioner’s address highlighted independence as an essential condition for the effective functioning of ombudsman institutions and their outspoken ability to defend human rights.

## **5. Co-operation with European and international organisations**

### **5.1 European Union**

In February, the Commissioner met with the Vice-President of the European Commission responsible for digital agenda, Neelie Kroes. The discussions focused on online freedom of expression for those exercising their right to receive and impart information in the public interest, notably journalists, bloggers and reporting citizens. In June, the Commissioner held a meeting with the EU Special Representative for Human Rights, Stavros Lambrinidis, to exchange views about their recent country visits and the situation of human rights defenders.

In September, Commissioner Muižnieks met with the EU Commissioner responsible for enlargement and European neighbourhood policy, Štefan Füle, to discuss human rights concerns in EU enlargement and European neighbourhood policy countries. In September, he also met with the EU Commissioner for Employment, Social Affairs and Inclusion, László Andor. They exchanged views on the effects of the economic crisis with particular attention to the situation of children, young people, Roma and people with disabilities.

In November, the Commissioner met with the Director of the EU Agency for Fundamental Rights, Morten Kjaerum. The discussions focused on the situation of refugees, racism, economic and social rights, and current EU initiatives to enhance fundamental rights compliance in EU member states.

In February, the Commissioner participated in a discussion with members of the Subcommittee on Human Rights of the European Parliament highlighting several areas of concern, including the functioning of the judiciary, austerity measures and human rights, internet freedoms, and the human rights of Roma, migrants, refugees and asylum seekers. In February, he also exchanged views with the EU Council Working Group on EU relations with the Council of Europe and the OSCE. The Commissioner outlined the dialogue he had carried out with governments since the beginning of his mandate and presented his thematic priorities.

In November, the Commissioner participated in a public hearing of the European Parliament Committee on Civil Liberties, Justice and Home Affairs on the situation of fundamental rights in the European Union. He referred to the results of his country monitoring and highlighted several concerns related to the impact of the economic crisis on vulnerable groups, the human rights of migrants, refugees and asylum-seekers, racism and xenophobia, the human rights of Roma, and police misconduct. In November, the Commissioner also held an exchange of views with the Council Working Party on Human Rights (COHOM) during which he highlighted priority themes such as the administration of justice, freedom of expression, media freedoms and police misconduct.

In June, the Commissioner addressed the *Speak Up! 2* Conference on freedom of expression and media in the Western Balkans and Turkey, organised by the European Commission Directorate General for Enlargement. The Commissioner stressed the relevance of Council of Europe standards on freedom of expression in the EU enlargement process.

Information on human rights issues was regularly exchanged with relevant Commission services, the European External Action Service and the Agency for Fundamental Rights.

## **5.2 Organization for Security and Co-operation in Europe**

In June, the Commissioner and the OSCE media freedom representative, Dunja Mijatović, issued a joint statement expressing concern at further restrictions to freedom of expression in Azerbaijan. In November, the Commissioner met the OSCE High Commissioner on National Minorities, Astrid Thors, to exchange views on their respective priorities. The Commissioner met with OSCE field missions during his country visits.

The OSCE/ODIHR participated in the Commissioner's Round-Table with human rights defenders on human rights and the security sector in May. In June, the Commissioner's Office took part in a meeting convened by the OSCE/ODIHR aimed at developing OSCE/ODIHR recommendations on the protection of human rights defenders. During the year, the OSCE/ODIHR and the Commissioner's Office also exchanged information on the incidence of hate crimes in Europe.

## **5.3 United Nations**

The Commissioner maintained regular contacts with UN special rapporteurs in the course of country and thematic monitoring and met with UN field representatives during country visits. Information on the situation of refugees was exchanged frequently with the UNHCR Representation in Strasbourg and UNHCR country representatives. The Commissioner's monitoring reports were made available to the Universal Periodic Review conducted by the Human Rights Council and were referred to in the outcome documents.

The Commissioner's Office participated in several events organised or co-organised by the UN, including a conference in June taking stock of 20 years following the UN World Conference on Human Rights and OHCHR expert consultations in July and August related to the effects of austerity measures on the enjoyment of human rights. The Office contributed to the annual co-ordination meeting between the OHCHR and the Council of Europe in November.

## 6. European Court of Human Rights

On 4 September, the Commissioner took part in a hearing before the Grand Chamber of the European Court of Human Rights in the case of *The Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* (Application No. 47848/08), concerning the treatment of a person with disabilities in Romania. The Commissioner's intervention followed the written observations submitted by his predecessor in October 2011 and was the first since the entry into force of Protocol No 14 to the European Convention on Human Rights, which gave the Commissioner the right to intervene as a third party in proceedings before the Court on his own initiative.

In his intervention, the Commissioner underlined the importance of the case at stake, which would set the position of the Court with regard to access to justice for a number of persons with disabilities. He considered that in exceptional circumstances, non-governmental organisations should be allowed to lodge applications with the Court on behalf of victims, in particular in cases concerning vulnerable groups of people, such as persons with intellectual and psychosocial disabilities. In his concluding words at the hearing, the Commissioner stressed that a failure to ensure that particularly vulnerable persons have effective access to justice will allow the abuses committed against them to continue.

The case had been lodged by the Centre for Legal Resources on behalf of Valentin Câmpeanu, a young man of Roma ethnic origin, suffering from a severe learning disability and infected with the HIV virus, who died at the age of 18 at the Poiana Mare Psychiatric Hospital, after having spent his all life in institutions.

## 7. Communication and information work

The Commissioner's presence in the media continued to grow in 2013. The media coverage was largely influenced by the more than 100 interviews given by the Commissioner, in addition to 40 press releases, 10 Human Rights Comments, 2 issue papers and almost 400 tweets which contributed to generating media attention and social media interaction.

Among the most widely covered activities were country reports and visits, in particular those concerning Greece, Russian Federation, Spain and Turkey, as well as work on the human rights of Roma, migrants and asylum seekers, racism, the impact of austerity measures on human rights, the policing of demonstrations, and freedom of expression and of the media.

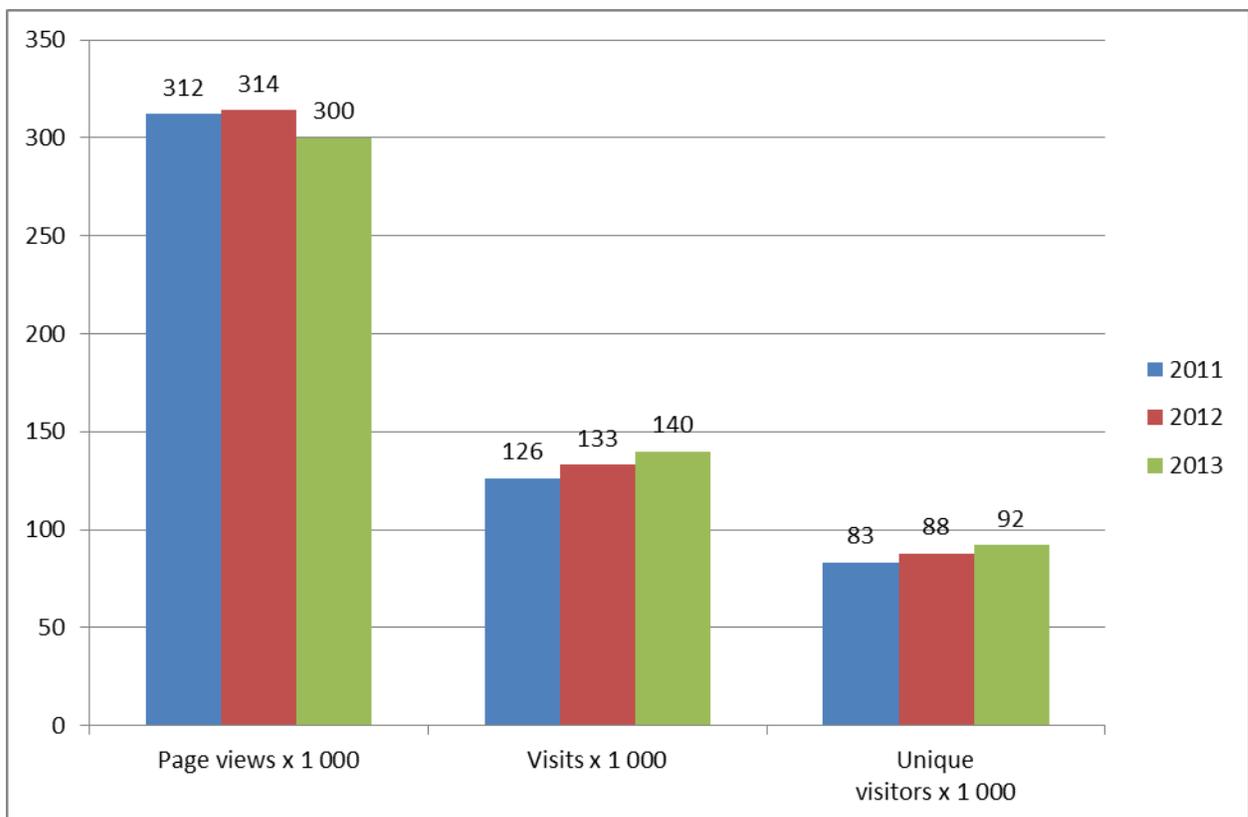
The main national media of many member states covered the Commissioner's activities that were also featured repeatedly on leading media with an international outreach. Six opinion editorials were published. They concerned hate crimes in Greece (*To Vima*), the annual report and violence against women (*both in New Europe*), surveillance (*the Guardian*), the erased in Slovenia (*Delo*) and human rights in the EU (*European Voice*). Eight press conferences were organised in relation to country visits, publications and thematic visits.

The Human Rights Comments published in 2013 were the following:

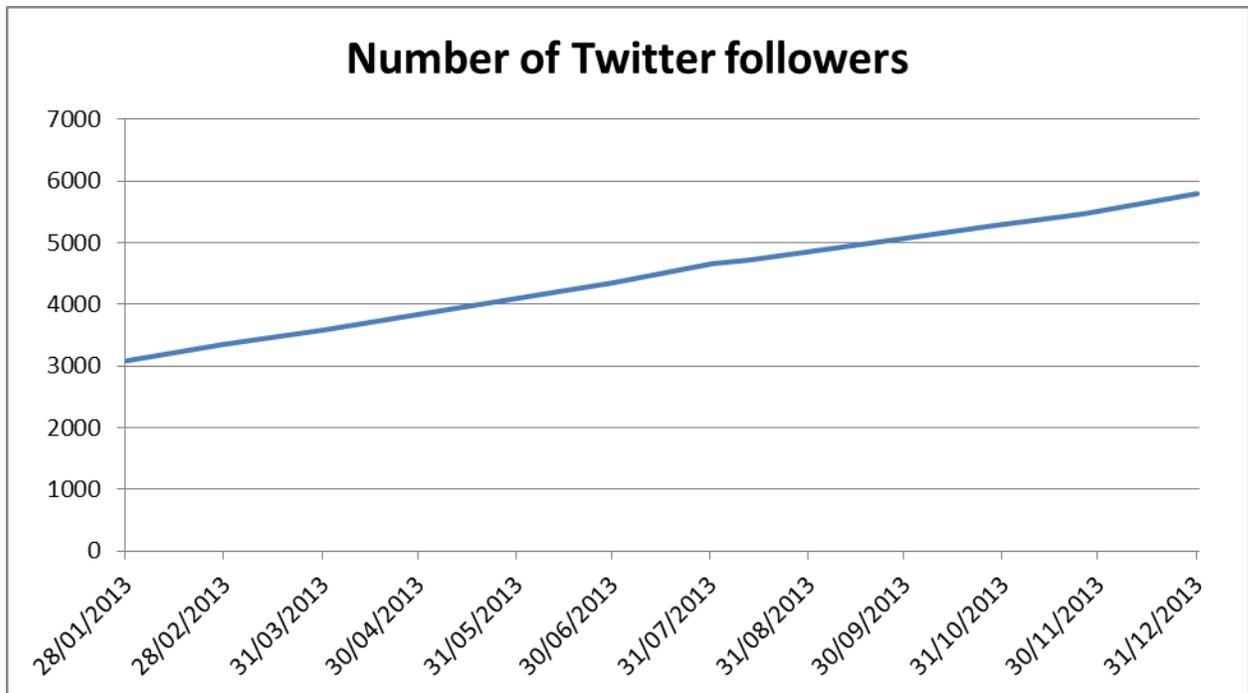
- Syrian refugees: a neglected human rights crisis in Europe (December)
- Human rights at risk when secret surveillance spreads (October)
- Decisions concerning migrant children must always be based on their best interests (September)
- Time for accountability in CIA torture cases (September)
- Child labour in Europe: a persisting challenge (August)
- Justice and reconciliation long overdue in the Balkans (July)

- Europe must combat racist extremism and uphold human rights (May)
- Press freedom in the digital age: new threats, new challenges (May)
- Belarusian Human Rights Defenders Need Support (February)
- Governments should act in the best interest of stateless children (January)

The website has been restyled and made more user-friendly. The number of visits (140 000) and unique visitors (92 000) of the website has increased compared to 2011 and 2012, while there has been a decrease in the number of page views (-14 000). This decrease is due to an improvement of the navigation allowing visitors to access the information being sought more effectively.



The presence and interaction on social media has been strengthened too. The number of Twitter followers almost doubled, reaching 5 789 by the end of the year. This represents a monthly average increase of 236 followers.



## 8. Staff and Budget

In 2013, the total number of permanent posts in the Commissioner's office amounts to 22 posts (14 A-grade posts and 8 B-grade posts) and 3 fixed-term positions. The Office employed two temporary staff. The ordinary overall budget appropriations were of €3,077,200.

In 2013, the Commissioner benefited from a total amount of € 60,000 in voluntary contributions from the governments of Germany and Monaco. The Commissioner expresses his sincere gratitude for the voluntary contributions given by these member states.

The budget of the Commissioner for Human Rights covers the basic structure necessary for the implementation of the mandatory activities which should be assured by permanent means from the ordinary budget of the Council of Europe.

Though the level of resources available to the Commissioner has not yet reached the necessary ceiling which had been identified by Commissioner Muižnieks and the previous Commissioners, the Office agreed not to come forward with additional requests for the biennium 2014-15 as a sign of solidarity with the rest of the Organisation in the current difficult economic context.

However the outstanding request of the Commissioner to dispose of an Office which counts 30 permanent posts and the corresponding operational budget remains topical and will be brought forward in the forthcoming budgetary discussions for the biennium 2016-2017. The Commissioner believes that once this level has been reached, it will constitute a maximum not to be exceeded in order for the Office to function in a flexible and fluid manner.

## Appendix 1

### List of Office Activities in 2013

#### A. Visits and reports

In 2013 the following country visits, missions and contact visits were carried out:

25 January	The Netherlands
28 January to 1 February	Greece
20 February	Germany
4 to 7 March	Republic of Moldova
21-22 March	Sweden
25 to 27 March	Estonia
3 to 12 April	Russian Federation
18 to 19 April	Monaco
13 to 14 May	Norway
22 to 24 May	Azerbaijan
30 May to 1 June	Ukraine
3 to 7 June	Spain
1 to 5 July	Turkey
9 to 12 July	Bosnia and Herzegovina
23 to 27 September	Albania
20 to 22 October	Armenia
29 October	Strasbourg and Geispolsheim
19 to 21 November	Denmark
14 to 19 December	Turkey, Bulgaria and Germany (thematic visit)

In 2013, the following country reports and letters were published:

#### *Slovenia*

- Letter from the CoE Commissioner for Human Rights to Mr Janez Janša, Prime Minister of the Republic of Slovenia concerning the human rights of persons erased from the Register of Permanent Residents of Slovenia in 1992 (dated 10 January and published on 29 January) with reference CommDH(2013)3).

#### *Czech Republic*

- Report by the CoE Commissioner for Human Rights following his visit to the Czech Republic from 12 to 15 November 2012. Issues reviewed: protection of the human rights of Roma and of persons with disabilities (published on 21 February with reference CommDH(2013)1).

#### *“the former Yugoslav Republic of Macedonia”*

- Report by the CoE Commissioner for Human Rights following his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012. Issues reviewed: transitional justice and social cohesion and the human rights of Roma (published on 9 April with reference CommDH(2013)4).

#### *Greece*

- Report by the CoE Commissioner for Human Rights following his visit to Greece from 28 January to 1 February 2013. Issues reviewed: intolerance, hate crime, the role of the judiciary and the law enforcement authorities in combating these phenomena and impunity (published on 16 April with reference CommDH(2013)6).

- Letter from the CoE Commissioner for Human Rights to Mr Nikolaos Dendias, Minister of Public Order and Citizen Protection and Mr Miltiadis Varvitsiotis, Minister of Shipping and the Aegean on collective expulsions (dated 5 December 2013 and published on 14 January 2014 with reference CommDH(2014)3).

#### *Croatia*

- Letter from the CoE Commissioner for Human Rights to Mr Arsen Bauk, Minister of Public Administration of Croatia, on the legal framework for the official recognition of trans persons' preferred gender (dated 5 April and published on 11 April with reference CommDH(2013)8).
- Letter from the CoE Commissioner for Human Rights to Ms Nansi Tirelli, Chairperson of the Gender Equality Committee, Croatian Parliament, on the legal framework for the official recognition of trans persons' preferred gender (dated 5 April and published on 11 April with reference CommDH(2013)7).

#### *Estonia*

- Report by the CoE Commissioner for Human Rights following his visit to Estonia from 25 to 27 March 2013. Issues reviewed: economic crisis and its effects on the enjoyment of human rights, the independence and effectiveness of national human rights structures, and the human rights of children (published on 12 June with reference CommDH(2013)12).

#### *Russian Federation*

- Opinion by the CoE Commissioner for Human Rights on the legislation of the Russian Federation on non-commercial organisations in light of Council of Europe standards, following his visit to the Russian Federation in October 2012 and April 2013 (published on 15 July with reference CommDH(2013)15).
- Report by the CoE Commissioner for Human Rights following his visit to the Russian Federation from 3 to 12 April 2013. Issues reviewed: administration of justice and protection of human rights in the justice system (published on 12 November with reference CommDH(2013)21).

#### *Azerbaijan*

- Report by the CoE Commissioner for Human Rights following his visit to Azerbaijan from 22 to 24 May 2013. Issues reviewed: the right to freedom of expression, notably through the Internet, the right to freedom of assembly and association, and the right to property (published on 6 August with reference CommDH(2013)14).

#### *Republic of Moldova*

- Report by the CoE Commissioner for Human Rights following his visit to the Republic of Moldova from 4 to 7 March 2013. Issues reviewed: the administration of justice and protection of human rights in the justice system, systematic work for implementing human rights with reference to the National Human Rights Action Plan 2011-2014, and the functioning of the National Human Rights Institutions (published on 30 September with reference CommDH(2013)19).

#### *Spain*

- Report by the CoE Commissioner for Human Rights following his visit to Spain from 3 to 7 June 2013. Issues reviewed: the impact of austerity measures on human rights, with particular emphasis on children and persons with disabilities and the role of law enforcement authorities in the protection of human rights (published on 9 October with reference CommDH(2013)18).

#### *France*

- Letter from the CoE Commissioner for Human Rights to Ms Christiane Taubira, Minister of Justice of France concerning the annexes to the Courts of Meaux and Bobigny which have been created in the administrative detention centre of Le Mesnil-Amelot and in the migrant holding facility of

Charles-de-Gaulle airport in Paris (dated 2 October and published on 17 October with reference CommDH(2013)22).

#### *Turkey*

- Report by the CoE Commissioner for Human Rights following his visit to Turkey from 1 to 5 July 2013. Issues reviewed: the conduct of law enforcement officials, in particular in the context of the policing of demonstrations, and the legal and institutional frameworks for the protection and promotion of human rights at the national level (published on 26 November with reference CommDH(2013)24).

#### *Italy*

- Letter from the CoE Commissioner for Human Rights to Mr Ignazio Marino, Mayor of Rome, on the right to housing of Roma and Sinti and integration of beneficiaries of international protection (dated 12 November and published on 11 December with reference CommDH(2013)25).

#### *Serbia*

- Letter from the CoE Commissioner for Human Rights to Mr Ivica Dačić, Prime Minister and Minister of the Interior of Serbia, on the human rights of asylum seekers (dated 27 November and published on 12 December with reference CommDH(2013)26).

## **B. Issue Papers, Opinions and other publications**

The Commissioner publishes a variety of documents on human rights themes. Their aim is to raise awareness and to give advice to member states on the protection of human rights.

- *Opinion of the Commissioner for Human Rights on the legislation of the Russian Federation on non-commercial organisations in light of Council of Europe standards*, July 2013.
- *Memorandum to the Joint Committee on the Draft Voting Eligibility (Prisoners) Bill*, October 2013.
- Issue Paper on *The right to leave a country*, November 2013.
- Issue Paper on *Safeguarding human rights in times of economic crisis*, December 2013.

## **C. Events organised by the Office**

With the aim of promoting awareness of human rights and exploring specific concerns, the Commissioner organises workshops and conferences on topical questions. The Commissioner and his Office also contribute to debates on human rights through their participation in major conferences.

In 2013, the Commissioner's Office organised or co-organised the following events:

- Round-Table with human rights defenders on "Human rights and the security sector" (Kyiv, 30-31 May).
- Conference "Strengthening fundamental rights protection together in a changing human rights landscape", co-organised by the Fundamental Rights Agency, the Council of Europe, Equality Bodies, National Human Rights Institutions and Ombudsperson institutions (Vienna, 7-8 October).
- Expert consultation "Human rights and intersex persons" organised in conjunction with the 2013 Intersex Forum Malta (Valetta, 1-2 December).

#### **D. Events in which the Commissioner or his Office took part**

The Commissioner or his Office participated in the following major events during 2013:

- Conference “Integrating transitional justice, security and development” organised by Wilton Park in association with Swiss Federal Department of Foreign Affairs and the Norwegian Ministry for Foreign Affairs (Wilton Park, 17-19 January).
- Conference “The Future of Human Rights in Europe” organised by Netherlands Helsinki Committee Hague to celebrate their 25th anniversary (The Hague, 25 January)
- Conference “Refuge from Inhumanity: Enriching refugee protection standards through recourse to international humanitarian law” organised by the Refugee Studies Centre and the Refugee Law Initiative of the University of London (Oxford, 11-12 February).
- Exchange of views with Committee on Human Rights and Humanitarian Aid of the German Parliament (Berlin, 20 February).
- Exchange of views with the Subcommittee on Human Rights of the European Parliament (Brussels, 21 February).
- Exchange of views with the EU Council working group on EU relations with the Council of Europe and the OSCE – COSCE (Brussels, 22 February).
- Centre for European Policy Studies seminar on “The Criminalisation of Irregular Immigrants and Minorities in Europe: What challenges for human rights?” (Brussels, 22 February).
- EU final event on “Access to citizenship and its impact on immigration integration”, organised by the Migration Policy Group (Brussels, 22 February).
- Expert meeting on the human rights of LGBTI persons organised by the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association – ILGA-Europe (Brussels, 8 March).
- European Economic and Social Committee Conference “Immigration – a source of wealth and duties for Europe” organised by the European Economic and Social Committee, the French Economic, Social and Environmental Council and the Council of Europe (Brussels, 15 March).
- Exchange of views with the European Committee for Social Rights – ECSR (Strasbourg, 18 March).
- Meeting of Human Rights Directors of the Ministries of Foreign Affairs of the member states of the Enhanced Partnership in Northern Europe (Stockholm, 22 March).
- Exchange of views with the Steering Committee for Human Rights – CDDH (Strasbourg, 20 March).
- Conference on racial discrimination and racism (Monaco, 19 April).
- 26th session of the International Coordinating Committee of National Human Rights Institutions (Geneva, 6 May).
- Meeting of the European Network of National Human Rights Institutions (Geneva, 7 May).

- Conference “Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond” organised by the Norwegian Ministry of Foreign Affairs (Oslo, 13-14 May).
- International IDAHO 2013 Forum (The Hague, 16-17 May).
- Conference on legal capacity and community living of persons with disabilities organised in the context of the EU-funded regional project *Person* (Belgrade, 21-22 May).
- Meeting on OSCE/ODIHR Recommendations on the protection of human rights defenders (Warsaw, 10-11 June).
- Seminar “European law on asylum, borders and immigration” organised on the occasion of the launching of the Handbook on European law relating to asylum, borders and immigration, by the European Court of Human Rights and the European Union Agency for Fundamental Rights (Strasbourg, 11 June).
- Meeting “Austerity and Human Rights in Europe: the impact of European austerity policies on the realisation of economic, social and cultural rights” organised by the European Network of National Human Rights Institutions (Brussels, 13 June).
- Conference of the European Programme for Human Rights Education for Legal Professionals *HELP Programme* (Strasbourg, 18 June).
- *Speak Up!2* Conference on freedom of expression and media in the Western Balkans and Turkey, organised by EU DG Enlargement (Brussels, 20 June).
- Conference “Vienna+20: Advancing the Protection of Human Rights - Achievements, Challenges and Perspectives 20 Years after the World Conference”, organised by the Austrian Federal Ministry for European and International Affairs and the Office of the UN High Commissioner for Human Rights (Vienna, 27-28 June).
- Expert meeting on promoting a rights-based approach to financial regulation and economic recovery, organised by the Office of the UN High Commissioner for Human Rights – OHCHR (Vienna, 1 July)
- Third Regional Roundtable Meeting “Challenging anti-Muslim Prejudice and Promotion of Mutual Understanding in Multicultural Societies through Education”, organised by the OSCE Office for Democratic Institutions and Human Rights - ODIHR, UNESCO and the Council of Europe (Strasbourg, 5 July).
- Summer University Srebrenica (Srebrenica, 11 July).
- Commemoration ceremony for the victims of the Srebrenica genocide (Srebrenica, 11 July)
- OHCHR consultation on the right to social security in the context of austerity (Geneva, 19-20 August)
- Hearing before the Grand Chamber of the European Court of Human Rights in the case of *The Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* (Application No. 47848/08), concerning the treatment of a person with disabilities in Romania (Strasbourg, 4 September).
- Plenary Assembly of the European Roma and Travellers Forum - ERTF (Strasbourg, 5 September)

- Conference on the Independence of the Ombudsman in Europe (Innsbruck, 19 September)
- Lecture at the Riga Graduate School of Law "Human Rights Diplomacy: Notes from the Field" (Riga, 10 October).
- High-Level Conference on Combating Racism, Xenophobia and Intolerance in Europe, hosted by the Armenian Chairmanship of the Committee of Ministers (Yerevan, 21-22 October).
- ILGA-Europe 2013 Annual Conference "Family matters! Reaching out to hearts and minds" (Zagreb, 25 October).
- Annual Conference on EU Asylum Law 2013 organised by the Academy of European Law (Trier, 28-29 October).
- Round table organised by the Conference of International Non-Governmental Organisations of the Council of Europe and the Civic Chamber of the Russian Federation on the developments related to the legislation on non-commercial organisations in the Russian Federation and to present the Opinion of the Expert Council on NGO Law of the Conference of INGOs on the "Law on Foreign Agents". (Moscow, 31 October).
- Public hearing of the European Parliament Committee on Civil Liberties, Justice and Home Affairs on "The situation of fundamental rights in the European Union: how to strengthen fundamental rights, democracy and the rule of law in the EU" (Brussels, 5 November).
- Exchange of views with the European Union Human Rights Working Group – COHOM (Brussels, 6 November).
- Symposium organised by the International Centre for Migration Policy Development on the occasion of the ICMPD's 20th anniversary "10 Observations on the Future of Migration" (Vienna, 7 November)
- Council of Europe Conference of Ministers responsible for Media and Information Society, entitled "Freedom of expression and democracy in the digital age – opportunities, rights and responsibilities" (Belgrade, 7-8 November).
- Exchange of views with the Gender Equality Commission (Strasbourg, 15 November).
- World Forum for Democracy (Strasbourg, 28 November)
- Launch events of Scotland's National Action Plan for Human Rights – SNAP, hosted by the Scottish Human Rights Commission (Edinburgh, 10 December).
- Lecture on "Current Challenges and Opportunities for Human Rights" hosted by the Global Justice Initiative at Edinburgh University (Edinburgh, 10 December).