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COMMISSAIRE AUX DROITS DE L'HOMME



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## **ANNUAL ACTIVITY REPORT 2014**

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**by Nils Muižnieks,  
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

2014 was a bad year for human rights in Europe. Thousands of people died who should not have died, primarily in the Mediterranean Sea and in eastern Ukraine. They should not have died in a Europe that prides itself on being a space where the rule of law and democracy prevails. They should not have died on the doorstep to some of the wealthiest societies on the planet. They should not have died on a continent that claims to have drawn lessons from its own bloody and violent history – a history that includes many Europeans seeking and finding refuge elsewhere on the planet.

In 2014, the Mediterranean Sea continued to be a huge graveyard for migrants including asylum seekers who attempted to reach Europe having fled conflicts, persecution and poverty. While the official tally of deaths at sea exceeded 3 000 for the year, the real total was undeniably much greater, as many rickety boats sank in stormy weather or crashed on rocky shores and disappeared without a trace. These were preventable deaths. From mid-October 2013 until mid-October 2014 Italy's *Mare Nostrum* search and rescue operation demonstrated that with political will and financial commitment tens of thousands of lives could be saved. Unfortunately, *Mare Nostrum* was too much of a financial and political burden for Italy to shoulder alone and other European countries did little to help. *Mare Nostrum's* successor - EU-operated *Triton* - is woefully inadequate in range and resources and does not have as its primary purpose saving lives. The result is gruesomely predictable – more migrant deaths at sea.

2014 was also dominated by events in and around Ukraine. The politics (and geopolitics) of the conflict in eastern Ukraine have often overshadowed a grave humanitarian crisis. The most vulnerable - including civilians living near the line of conflict, those who have been displaced, children, the elderly and those with disabilities – have suffered enormously and just want peace. In September, I went to Crimea to assess the human rights situation there. I remain concerned by developments on the peninsula, particularly by the situation of the Crimean Tatars.

2014 also saw a grave deterioration of the human rights situation in Azerbaijan. Starting in the summer and continuing into 2015, the Azerbaijani authorities prosecuted and detained many of the country's most prominent human rights defenders. While some were charged with violating onerous NGO legislation which makes human rights work well-nigh impossible, others were subject to charges of a whole array of serious offenses, such as espionage, weapons or drug-related offenses, or hooliganism, all of which defied credibility. The targets of the crackdown have very often been those providing the Council of Europe and other international organisations with information on human rights abuses. These reprisals constitute severe violations of human rights and are incompatible with obligations under the European Convention on Human Rights.

While Azerbaijan, Ukraine, Russia and the Mediterranean Sea featured serious human rights problems in their own particular ways, a broader worrying trend gained momentum in many Council of Europe member states - increased pressure against NGOs and the media. This has quite serious implications for the long-term, as NGOs and the media play an extremely important role in safeguarding human rights more broadly. Where large parliamentary majorities govern and other checks and balances are weakened, NGOs and the media are often the sole remaining watchdogs able and willing to keep the authorities accountable before the law. Media freedoms are foundational, as they are an indispensable part of freedom of expression, which in turn, is critical for freedom of association and assembly, free elections and other rights. NGOs often defend media and journalists when they are under pressure. What is more, NGOs are also essential elements in making any human rights system function by bringing complaints before domestic and international mechanisms.

The media and NGOs came under several different kinds of pressure. 2014 saw physical attacks on journalists and NGO activists in various contexts – in the armed conflict in eastern Ukraine and during the political changes in Crimea, by police during demonstrations in several countries, and by mafia and organised criminal groups. The severity of the growing threat to journalists was highlighted in January 2015 by the horrific attack on the *Charlie Hebdo* newspaper in France, in which ten journalists and media workers died at the hands of terrorists.

NGO activists and journalists also increasingly became targets of harassment and defamation campaigns. Such campaigns have been organised directly by those in power in some countries, or indirectly by state proxies, such as dependent media outlets, government organised NGOs (“GoNGOs”), and at times, militant religious activists with links to governing circles. These campaigns took place in the context of stigmatising rhetoric employed by those in power against journalists and NGOs. Critical journalists and activists were often dubbed “spies” or “traitors”, while independent NGOs were occasionally tarred as being quasi-political parties with a partisan agenda or harbouring aspirations for political power.

Judicial harassment sometimes accompanied verbal or physical harassment, with media outlets subject to spurious defamation suits, abusive application of hate speech or anti-extremism laws, and the forced disclosure of confidential sources. NGOs in several countries were targeted with abusive raids by prosecutorial or tax authorities and their leaders accused of illegal entrepreneurship, abuse of authority and tax evasion. On occasion, judicial harassment has been complemented by administrative pressure – the creation of difficult obstacles for the registration or re-registration of media outlets or NGOs.

The authorities in some countries also sought to quell criticism from NGOs and media outlets through the application of financial levers, such as punitive taxes. In some national contexts, administrative authorities could apply high fines directly against media outlets for “market manipulation”. Critical media outlets found that government advertising contracts and the communications budgets attached to European Union funds went only to government-friendly media. Governments in some countries sought to have full control of the disbursement of EU and Norway grant monies to ensure that NGOs critical of the government did not receive any of this funding. At the extreme, foreign donors were driven from several countries, with those NGOs receiving any foreign money subject to criminal prosecution.

What can be done to reverse this negative trend? Threats or physical attacks against journalists or human rights defenders are attacks against democracy and should be treated as such by the highest political leaders in the country. Political leaders should respond quickly, defend the targets unequivocally, and condemn the attacks in the strongest possible terms. Effective investigations should aim to apprehend and punish not only the perpetrators of the attacks, but those who masterminded and paid for them. Robust police protection to journalists or human rights defenders should be provided as long as necessary. The military and police forces need training on interacting with journalists and human rights defenders, so that everyone can do their job effectively and safely.

Political leaders should refrain from rhetorical attacks against media and NGOs, even when policy disagreements are acrimonious. Politicians should distance themselves from their colleagues who engage in such attacks and recall the vital human rights role played by a critical media and NGOs, with whom regular channels of dialogue should be established. Instances of judicial harassment raise the broader issue of the independence and impartiality of the judiciary, which may need reinforcement through legislative changes, training or the strengthening of self-governance mechanisms.

The legislative framework governing media freedom and the work of journalists should be reviewed to address any undue restrictions. Defamation should be de-criminalised and replaced with proportionate civil sanctions. Any fines levied on media outlets should be subject to judicial review. According to a survey conducted by the European Federation of Journalists, data retention and privacy laws topped the list of concerns among media workers. Here, the case law of the European Convention on Human Rights should serve as a guideline for reforms. Post-*Charlie Hebdo*, a worrying trend of criminalisation of speech related to terrorism has re-emerged, with legislators proposing vaguely worded laws to restrict more than just direct calls to engage in terrorist acts or directing such attacks. I have urged caution and human rights proofing of any such legislation.

The legislative framework governing NGOs is also frequently deficient in many countries. Registration of NGOs and reporting requirements should be easy, while penalties imposed upon NGOs need to be proportionate to the offence found. The legal regime governing foreign funding for NGOs should not be

any different from that applicable to domestic funding. Advocacy on policy issues should not be confused with engaging in politics or participating in the struggle for political power in competitive elections.

There is a need for a frank debate about improving the financial environment for media and NGOs. Media outlets are not businesses like any other, given their critical role in making democracy function. With austerity, advertising budgets have collapsed and subscribers have become thrifter, creating short-term financial challenges. In the long-term, the growth of free-of-charge internet-based content has threatened the survival of many media outlets. An urgent discussion on alternative means for funding media is necessary.

The same holds true of funding for NGOs. Austerity has undercut funding for NGOs, whether that funding came from governments, the private sector or philanthropic foundations. National sources of funding in many countries remain undeveloped, while foreign donors have left the scene, especially in the new member states of the European Union. In some countries, foreign sources of NGO funding are often viewed with suspicion, if not outright hostility, and subjected to various restrictions. There is a need for a broader discussion on the financial sustainability of the NGO sector in many Council of Europe member states and the particular vulnerability of advocacy NGOs to various kinds of pressures and restrictions.

The human rights achievements of the previous decades have often been due to the courageous work of investigative reporters and human rights defenders working through NGOs. The current pressures being exerted on media outlets and NGOs threaten to undermine these achievements and our democracies as a whole. We need to take strong measures to ensure the viability of both independent media and NGOs, lest we wake up one day with no reporters exposing corruption, abuses of power and human rights violations; lest we wake up with no NGOs to defend journalists under pressure and to speak up for those who are unpopular in society or lack a voice.

A handwritten signature in blue ink that reads "Nils Kling" followed by a horizontal line.

Strasbourg, 18 March 2015

# 1 Country visits

## 1.1 Introduction

In the course of 2014 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; efficiency and effectiveness of national judicial systems; the protection of the human rights of persons with disabilities, children, immigrants, refugees, LGBTI persons, women and Roma and Travellers; freedom of expression, including on the Internet; 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. These documents, along with the replies from the authorities, are made public 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 2014 and of their outcome.

## 1.2 Visits

### *Visit to Georgia*

The Commissioner visited Georgia from 20 to 25 January. The visit focused on the administration of justice and the protection of human rights in the justice system as well as issues pertaining to minorities, tolerance and non-discrimination.

In Tbilisi, the Commissioner met with the President of the Republic, Mr Giorgi Margvelashvili, the Speaker of Parliament, Mr Davit Usupashvili, the Minister of Reconciliation and Civic Equality, Mr Paata Zakareishvili, the Minister of Justice, Ms Tea Tsulukiani, the Minister of Foreign Affairs, Ms Maia Panjikidze, the Minister of Internal Affairs, Mr Alexander Tchikaidze, the Minister of Corrections, Mr Sozar Subari, the first Deputy Minister of Education, Ms Ketevan Natriashvili, the Chairman of the Supreme Court, Mr Konstantine Kublashvili, the Chief Prosecutor, Mr Giorgi Badashvili, the Adviser to the Prime Minister on Human Rights and Gender Equality Issues, Ms Tamar Chugoshvili, the Chairperson of the Parliamentary Committee on Human Rights and Civil Integration, Ms Eka Beselia, and with members of the parliamentary opposition. In addition, the Commissioner held discussions with the Public Defender (Ombudsman), Mr Ucha Nanuashvili, the Personal Data Protection Inspector, Ms Tamar Kaldani, lawyers, civil society representatives and the international community. The Commissioner also met with the spiritual leader of the Georgian Orthodox Church, Catholicos-Patriarch of All Georgia Ilia II. Apart from Tbilisi, the Commissioner visited two regions, Kvemo (Lower) Kartli (towns of Rustavi and Marneuli) and Samtskhe Javakheti (Akhaltikhe and Akhalkalaki), where there are compact communities of minorities. In each of the regions the Commissioner met with representatives of the regional and local authorities as well as regional representatives of the Public Defender and civil society actors.

The Commissioner published a report on his visit on 12 May, in which he expressed support for the reforms aimed at liberalising the criminal justice system, reducing resort to pretrial detention, enhancing judicial independence and ensuring police compliance with human rights principles. He nevertheless stressed that further efforts were needed to address the remaining imbalances between the defence and prosecution and to enhance the equality of arms in legislation and in practice. The Commissioner highlighted the importance of proceeding with the reform of the plea-bargaining system, including by ensuring proper safeguards and effective judicial oversight. While noting a decrease in the concordance

between judges and prosecutors, the Commissioner encouraged further efforts to safeguard and reinforce judicial independence and to shield judges from undue interference. With a view to bolstering the effectiveness and professionalism of the Chief Prosecutor's Office, the Commissioner highlighted that recruitment and career development of prosecutors should follow fair and impartial procedures and be based on merit. Numerous concerns about shortcomings in investigations of alleged human rights violations were raised with the Commissioner. Systemic action should be taken to address any deficiencies in the criminal investigations and judicial processes in cases involving opponents, as this can cast doubt on the outcome of the cases concerned, even if there have been solid grounds for the charges retained and final convictions.

While welcoming the enhanced public scrutiny of the situation in prisons and noting the reforms undertaken to reduce overcrowding and in the field of prison health care, the Commissioner reiterated the importance of ensuring accountability of those responsible for ill-treatment through human rights-compliant procedures and providing accurate information to the public about the proceedings concerned. The complaints submitted after October 2012 should be properly assessed, with cases of serious human rights abuse, including alleged violations of ECHR Article 3, prioritised and victims provided with redress. The Commissioner called upon the Georgian authorities to protect privacy rights, in particular by regulating surveillance activities and by ensuring proper control and oversight. He welcomed the establishment of the Office of Personal Data Protection Inspector and recommended that adequate support and resources be provided for its work. The continued presence of surveillance equipment in the premises of telecommunication operators giving the Ministry of Internal Affairs direct and unrestricted access to all communications should be addressed.

The Commissioner welcomed the adoption of comprehensive anti-discrimination legislation, but recommended that strong implementation mechanisms be instituted, and encouraged the authorities to undertake a public awareness campaign in this area. Moreover, the authorities, public actors and community leaders should send an unambiguous message in favour of tolerance and against violence, hate speech, and discrimination. It should be made clear that violence against LGBTI persons will not be tolerated. Hate crimes should be effectively investigated and qualified as such by law enforcement bodies, the bias motive should be taken into account as an aggravating circumstance, and perpetrators should receive punishment commensurate to the gravity of the offence.

With regard to the situation of ethnic and religious minorities, the report highlighted the need to pursue integration efforts while respecting the rights of minorities to maintain their language, culture and identity. As the lack of knowledge of the Georgian language remains an impediment in accessing rights and services by persons belonging to national minorities, the Commissioner encouraged the Georgian authorities to enhance their efforts in providing quality teaching in both Georgian and minority languages at all levels of the education system. He also stressed the importance of supporting the participation of minorities in the social, political, economic and cultural life of the country, and urged the Georgian authorities to resolve the remaining legal and practical obstacles to the repatriation and integration of the Meskhetian population.

While positively acknowledging the possibility for religious groups and organisations to register as legal entities, the Commissioner encouraged the Georgian authorities to resolve the remaining issues related to confiscated and disputed religious properties. The Commissioner noted with concern a rise in intolerance and attacks against members of religious minority groups, including reports of interference with the religious freedoms of Muslims. It appeared that law enforcement bodies had not always provided protection to members of minority groups and that there had been a lack of effective investigation into the incidents concerned. The Commissioner recommended that the Georgian authorities make further efforts to ensure respect for religious freedoms in practice, including by addressing alleged instances of religious discrimination in schools and by fostering dialogue and understanding between different religious communities.

## ***Visit to Ukraine***

The Commissioner travelled to Ukraine in February, June, September and December 2014.

### *a) Visit in February*

The Commissioner's visit to Ukraine from 5 to 10 February included Kyiv, Vinnytsia, Dnipropetrovsk and Zaporizhzhya. In Kyiv, the Commissioner had meetings with the Acting Minister of Foreign Affairs, Mr Leonid Kozhara, the Acting Minister of the Interior, Mr Vitaliy Zakharchenko, the Deputy Minister of Justice, Mr Maksym Rayko, the First Deputy Head of the Presidential Administration, Mr Andriy Portnov, and with heads and members of various parliamentary committees. The Commissioner also had a meeting with the judges of the Constitutional Court of Ukraine, and with the Chairman of the Supreme Court and Chairmen of the High Specialised Courts (on Civil and Criminal Matters, and the Administrative and Commercial Courts). He met a group of senior prosecutorial authorities, including two Deputies of the Prosecutor General, Mr Hryhoriy Sereda and Ms Liliya Frolova. In addition, the Commissioner had meetings with the Parliamentary Commissioner for Human Rights (Ombudsperson), defence lawyers of the persons detained/accused in relation to events taking place since the end of November 2013, civil society activists, journalists and medical staff.

The Commissioner and his team interviewed dozens of people who were injured and/or deprived of their liberty in connection with the demonstrations and violence. The medical expert in the delegation also had discussions with various health professionals who had treated people with injuries, and reviewed certain medical records.

On 4 March, the Commissioner published his report, which provided an independent analysis of the human rights issues observed in the country until 28 February. One of the report's observations was that excessive force had been used against protesters by law enforcement officers and the groups of civilians working with them. The Commissioner called on the authorities to publicly condemn all instances of torture, ill-treatment and other offences and misconduct by law enforcement officials, as well as to put a stop to any co-operation with civilians for the policing of demonstrations and other law enforcement functions, and to immediately distance themselves from such groups. He also urged them to ensure proper and effective investigations into cases of serious human rights violations and to bring those responsible to justice.

The Commissioner stressed that it was essential to undertake a comprehensive and all-encompassing reform of the police in Ukraine, establish an effective and independent police complaints mechanism, and enact as a matter of priority legislation governing peaceful assemblies based on the standards enshrined in the European Convention on Human Rights.

With regard to the situation in the judiciary, the Commissioner highlighted the urgent need for the reform of the Prosecutor's Office, including its de-politicisation, and for strengthening the independence of the judiciary and of individual judges, who should be shielded from any undue influence both from outside or inside the system.

The Commissioner also expressed concern that the principle of equality of arms was not respected in certain judicial proceedings and over credible reports of serious violations of the procedural guarantees provided for in the Criminal Procedure Code, most notably relating to notification of custody and access to a lawyer, as well as the refusal to grant requests for forensic medical expert opinions in alleged cases of ill-treatment.

The Commissioner called on the authorities to ensure that human rights defenders are able to pursue their work freely, in an environment free of undue impediments, harassment or pressure. He also encouraged the authorities to respect the integrity and independence of the Ombudsman institution in Ukraine.

#### *b) Visit in June*

From 16 to 19 June, the Commissioner once again visited Ukraine (Kyiv and Odesa). During his visit, he held meetings with the Minister of Justice, Mr Dmytro Petrenko, the First Deputy Minister of Foreign Affairs, Ms Natalia Halibarenko, the Deputy Minister of Internal Affairs, Mr Mykola Velychkovych, the Acting Chief Prosecutor, Mr Oleh Mahknitskyi, and with representatives of the Office of the Presidential Commissioner for Children's Rights. In addition, he met Mr Mustafa Dzhemilev, member of the Ukrainian Parliament (Verkhovna Rada) and former Chairman of the Mejlis of the Crimean Tatar People. In Odesa, the Commissioner met Mr Sergiy Kalinchuk, the Deputy Governor of the Odesa region, and Mr Anatoliy Orlovski, Deputy Mayor. In both Kyiv and Odesa, the Commissioner had meetings with representatives of international and non-governmental organisations.

The Commissioner strongly encouraged the Ukrainian authorities to pursue reforms in the areas of law enforcement, the public prosecutor's office and the judicial system, and stressed that ensuring effective investigations into human rights violations is essential to restoring public trust in those institutions. While in Odesa, the Commissioner focused on the 2 May events, which claimed the lives of 48 persons. Among his interlocutors was a group of journalists and experts from civil society assembled at the initiative of the regional governor, which sought to establish the facts surrounding the tragedy without interfering in the official investigation into those events.

The Commissioner also talked with a number of internally displaced persons (IDPs) from Crimea and from the Donetsk and Luhansk regions in eastern Ukraine. While welcoming the support extended by NGOs, volunteers and local and regional authorities, the Commissioner underlined that this would not be sufficient to meet the demands of the growing number of displaced persons.

Following this visit, the Commissioner addressed the Parliamentary Assembly of the Council of Europe during the debate on current affairs which concerned the humanitarian consequences of the crisis in Ukraine. On 17 July 2014 the Commissioner also published a letter addressed to the Prime Minister of Ukraine, Mr Arseniy Yatsenyuk, concerning the situation of internally displaced persons.

The Commissioner in particular underscored the need to ensure a coordinated response at central level to address the needs of displaced persons. He urged the authorities to establish a centralised registration system and designate a central state entity in charge of the overall coordination of the humanitarian response to the IDP situation, as well as to address the legislative gaps in this area and to ensure the protection of IDPs in line with European and international standards. Furthermore, he urged the government to develop a strategy for providing durable solutions with regard to accommodation and opportunities for livelihood for those displaced persons who may not be in a position to return to their original place of residence in the coming months. After the letter was sent to the Prime Minister, the Commissioner had an opportunity to discuss all the above-mentioned issues with the Deputy Prime Minister of Ukraine, Mr Volodymyr Groisman, when the latter was visiting Strasbourg.

#### *c) Mission in September*

From 7 to 12 September, the Commissioner travelled to Kyiv, Moscow, Simferopol and Bakhchisaray (see below).

#### *d) Visit in December*

During his last visit to Ukraine in 2014 (1 to 5 December), the Commissioner visited places of accommodation and/or registration for internally displaced persons (IDPs) in Dnipropetrovsk, Dniprodzershinsk and Kyiv. In Dnipropetrovsk, the Commissioner had a meeting with regional authorities, including Mr Genadiy Korban and Svyatoslav Oliynyk, deputy heads of the Dnipropetrovsk regional state administration, as well as the local representatives of security and law-enforcement structures. He also travelled to the Donetsk region (*oblast*) in the east of the country, where he visited the towns of Kurakhove and Krasnoarmiysk, situated 15 and 30 kilometres respectively from the front line of fighting.

In Kurakhove, he had discussions with representatives of the local council and the mayor's office, as well as representatives of the social services from the town of Maryinka, who have been relocated to the premises of the social services in Kurakhove. He also spoke to persons coming from the areas outside of the control of the Ukrainian government and who were seeking to complete the paperwork for the payment of their pensions. In Krasnoarmiysk, he had discussions with the head of the local social services.

In both Kyiv and Dnipropetrovsk, the Commissioner had meetings with the representatives of various international organisations operating on the ground, including the UN and the OSCE, non-governmental organisations and volunteers providing assistance to displaced persons. In particular, he had an in-depth discussion on the situation of IDPs with Mr Oldrich Andrysek, UNHCR Regional Representative. He also met with Ms Heidi Tagliavini, the Special Representative of the OSCE Chairperson-in-Office in Ukraine. In addition, in Kyiv he had a meeting with the head of one of the local NGOs working on Roma issues.

At central level, the Commissioner met the Minister of Foreign Affairs, Mr Pavlo Klimkin, and the Prosecutor General, Mr Vitalii Yarema. The issues raised with the Minister for Foreign Affairs included the decision by the government to suspend payments of pensions and other benefits to persons residing on territories outside its control and the impact that decision may have on the most vulnerable groups (pensioners, people with disabilities, families with children, persons with HIV and others) in the areas concerned. The Commissioner urged the authorities to adopt a flexible approach to paying pensions to persons travelling from the conflict areas, as well as to work in close co-operation with international organisations and humanitarian groups – most notably, those who have access to these territories – with a view to finding a solution which would allow them to reach people in need.

The Commissioner welcomed the adoption of the law on IDPs, but pointed out that there was a need to address some specific obstacles to its implementation at local level. He also encouraged the authorities to develop, in close consultation with civil society representatives, local authorities and relevant international organisations, a detailed plan for the implementation of the IDP legislation, which would include measures for ensuring long-term integration of IDPs who are unable or unwilling to return to their homes.

The discussions with the Prosecutor General focused on the investigations into: the events in Maidan square in Kyiv in the period between November 2013 and February 2014; the events in Odesa in May 2014; and serious human rights violations in the east of the country. The Commissioner strongly emphasised the importance of ensuring effective, prompt and adequate investigations into all cases of serious human rights violations and accountability for those responsible, irrespective of the side of the conflict they represent.

Following this mission, a video film was produced on the situation of displaced persons in Ukraine, which includes several interviews the Commissioner had with various persons during his visit to Kyiv and the east of the country. On 17 December 2014, the Commissioner also published an article on the website *Open Democracy* entitled "Eastern Ukraine: the humanity behind the headlines".

At the outset of the visit on 1 December, the Commissioner took part in a meeting – organised by his Office in partnership with the UN Office of the High Commissioner for Human Rights – on developing a national action plan for human rights in Ukraine.

### ***Visit to Montenegro***

The Commissioner carried out a visit to Montenegro from 17 to 20 March, which focused on: issues pertaining to post-war justice, notably those relating to efforts to end impunity for war-time crimes and the human rights of internally displaced persons and refugees; action against discrimination, concerning in particular Roma, LGBTI persons and persons with disabilities; and freedom of the media. While in Podgorica, the Commissioner visited the Konik camp hosting displaced persons, primarily Roma, from

Bosnia and Herzegovina, Croatia and Kosovo\*. He also visited the shelter for LGBTI youth and the LGBTI social centre, funded through the Council of Europe LGBTI project.

During his visit, the Commissioner held meetings with national authorities including the Minister of Health, Mr Miodrag Radunović, the Minister of Labour and Social Affairs, Mr Predrag Bošković, the Minister for Human and Minority Rights, Mr Suad Numanović, the Minister of the Interior, Mr Raško Konjević, the Acting Supreme State Prosecutor, Mr Veselin Vučković, the Assistant Minister of Justice, Ms Svetlana Rajković, the Assistant Minister of Education, Mr Mubera Kurpejović, the Director General of the Directorate for Media in the Ministry of Culture, Mr Željko Rutović and the Director of the Directorate for the Care of Refugees, Mr Željko Šofranac. The Commissioner also met with the Ombudsman, Mr Šučko Baković and held meetings with representatives of international organisations and media representatives, as well as with non-governmental organisations.

On 23 June the Commissioner published a report in which he stressed that impunity for wartime crimes and access to adequate reparations for all war victims remain issues that need to be effectively addressed by the authorities. To this end, the Commissioner recommended developing programmes for systematic professional education and training in international criminal and humanitarian law targeting prosecutors and judges. He also urged the authorities to develop, in close consultation with victims, reparation initiatives that go beyond compensation and include victims' rehabilitation and social inclusion if necessary.

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

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

Lastly, as regards media freedoms, the Commissioner welcomed the decriminalisation of defamation and the strengthening of the legislative framework governing media. However, he noted with serious concern that media freedom had been under threat in Montenegro as illustrated by a number of violent attacks on journalists, including a murder. He urged the authorities to conclude promptly all pending criminal cases relating to assaults on journalists, in particular those which would soon be subject to prescription. He found unacceptable the public use by certain leading politicians of inflammatory remarks, including personal insults, against journalists and their work, underlining that such public discourse could have a chilling effect on the media and may lead to self-censorship. Finally, the Commissioner stressed the need for all media actors in the country to initiate a deeper reflection on how to strengthen ethical standards in journalism and overcome existing divisions in the media sector, including its self-regulation.

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

## ***Visit to Romania***

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

During his visit the Commissioner held discussions with the Romanian authorities, including the Minister of Foreign Affairs, Mr Titus Corlăţean, the Minister of Justice, Mr Robert Cazanciuc, the Minister of National Education, Mr Remus Procopie, the Minister of Health, Mr Nicolae Bănicioiu, the Prosecutor General, Mr Tiberiu Mihail Niţu, the Secretary of State for Persons with Disabilities in the Ministry of Labour, Family, Social Protection and Elderly, Mr Codrin Scutaru, the Undersecretary of State in the Ministry of Interior, Mr Doru Dumitrescu, and the president and vice-president of the Superior Council of Magistrates, Mr Adrian Bordea and Mr Gheorghe Muscalu. In addition, the Commissioner met with the interim Ombudsperson, Ms Ecaterina Teodorescu and the deputy Ombudspersons Ms Erzsébet Dáné and Mr Ionel Oprea, the president of the National Council for Combating Discrimination, Mr Csaba Ferenc Asztalos, the president of the Romanian Institute for Human Rights, Ms Irina Moroianu Zlătescu, the president of the National Agency for Roma, Mr Daniel Vasile, and the presidents of the Human Rights Committees of the two chambers of the Parliament of Romania, Mr Nicolae Păun (Chamber of Deputies), and Ms Rozália Biró (Senate). The Commissioner also met with a number of non-governmental organisations and carried out visits to residential and non-residential institutions for children with disabilities and to the Ferentari neighbourhood in Bucharest, where the largest Roma community of the city resides. He also participated in a round-table which focused on institutionalised persons' access to justice.

On 8 July the Commissioner published a report in which he expressed concern about the ill-treatment faced by adults and children with disabilities living in a large number of institutions and their lack of access to justice. He called on the Romanian authorities to draw up a plan for replacing institutions with community-based services, to ensure the effective access of persons with disabilities to legal proceedings, and to set up an efficient national mechanism for the prevention of torture to safeguard the protection of the human rights of persons deprived of their liberty. In addition, the authorities should fully align domestic legislation with the UN Convention on the Rights of Persons with Disabilities so as to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. In the field of education, the Commissioner called on the authorities to promote inclusive education, to establish targets for the transfer of children with disabilities from special to mainstream education and to ensure the accessibility of all education institutions to persons with disabilities.

As regards the human rights of the child, the Commissioner urged Romania to increase its efforts to prevent child abandonment and the phenomenon of children living on the streets and to take measures to ensure the reintegration of abandoned children in their families or in alternative settings, in the best interests of the child. He called on the authorities to show commitment to the deinstitutionalisation of child protection services and to continue to develop the alternative protection measures already in place. While the abolition of the penalty of imprisonment for minors is a positive development, the authorities should adapt their practice to the new legislation and ensure that children are no longer held in prisons or other similar settings. The Commissioner welcomed the re-establishing of the National Authority for the Protection of the Rights of the Child and Adoption and urged the Romanian government to allocate adequate resources to ensure its effective functioning.

The Commissioner noted with satisfaction the measures taken by the authorities to enhance the social inclusion of Roma, including by the registration of children and the issuing of identification documents to adults. However, he deplored the fact that many Roma remain without any formal education given that the reported drop-out rate of Roma pupils is still too high. The Commissioner called on Romania to step up its efforts to fight anti-Gypsyism, to pay particular attention to the recording of hate speech and other forms of hate crime, and to ensure that law enforcement officials and legal professionals are adequately trained to be able to recognise and effectively investigate and sanction all hate crimes. Furthermore, all acts of ill-treatment, including those with an alleged racist motive, committed by law enforcement officers, should be promptly and effectively investigated and adequate, dissuasive penalties should be imposed on those committing such acts. The establishment of a fully independent complaints mechanism covering the

action of all law enforcement authorities, in line with Council of Europe standards, would be a useful step in this regard. Lastly, the Commissioner called on the authorities to allocate sufficient funding for the implementation of the strategy for Roma inclusion for the period 2012-2020, to strengthen its implementation mechanism at central level, and to ensure the accountability of local authorities in implementing the strategy.

### ***Visit to The Netherlands***

The Commissioner visited the Netherlands from 20 to 22 May. The visit focused on the legal and institutional framework for the protection and promotion of human rights and on the human rights of children and migrants, including asylum seekers.

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

Following this visit, the Commissioner published a report on 14 October. He noted that the Netherlands possessed a well-established system for promoting and protecting human rights and urged the Dutch authorities to refrain from cutting the budgets of human rights institutions such as the Netherlands Institute for Human Rights. Welcoming the adoption of the first National Action Plan on Human Rights in 2013, he stressed that it should be accompanied by a more thorough involvement of civil society in its implementation and an independent evaluation. Future action plans should include more ambitious and measurable goals. Furthermore, human rights should be explicitly included in the attainment targets for primary and secondary education and civil servants working at all levels should be trained on human rights. As concerns the oversight of the Dutch intelligence and security activities, the Commissioner stressed that any new legislation should take into consideration the evolution of technologies and fully comply with the ECHR concerning the protection of privacy and personal data.

Regarding the human rights of asylum seekers and immigrants, the Commissioner focused on the extensive use of administrative detention of these persons in the Netherlands, a practice at variance with international standards which only allow it as a measure of last resort, for the shortest possible period of time and when no effective alternative is available. Addressing specifically the systematic detention of asylum seekers arriving at international (air)ports from non-Schengen countries, the Commissioner urged the Dutch government to stop detaining children seeking asylum and asylum seekers in particularly vulnerable situations. Concerning immigration detention, the Commissioner focused on the need to ensure that foreigners whose deportation is not feasible are not detained and to improve the strict regime applicable to immigration detention.

The Commissioner urged the authorities to address the situation of a number of irregular immigrants living in a legal limbo and ending up in destitution on the streets or in camps as they do not manage to access existing emergency shelters. He recalled that everyone, regardless of residence status, has the right to an adequate standard of living, including food, clothing and shelter. The Commissioner welcomed the steps taken to grant residence permits to some of the immigrants who cannot be returned and to child asylum seekers whose applications were rejected but who have been living in the country for a certain period of time (Children's Pardon). However, he invited the Dutch authorities to ease the restrictive conditions applying to these schemes.

As regards the human rights of children, the Commissioner recommended a number of steps to improve the juvenile justice system, including increasing the minimum age of criminal responsibility (currently at 12 years), changing the law which allows, by way of exception, 16 or 17-year-old children to be treated as adult criminals, and making more extensive use of alternatives to pre-trial custodial settings. Addressing growing child poverty and its impact on the enjoyment of children's rights, the Commissioner urged the Dutch authorities to develop strong anti-poverty measures. While welcoming the measures already taken to combat different forms of child abuse, the Commissioner invited the Dutch authorities to proactively implement the existing tools against child abuse occurring in the context of domestic violence, bullying at school or on social media.

The Commissioner noted that many children with disabilities were separated from their peers in the Dutch education system. While welcoming some recent improvements, he stressed that there was still progress to be made to ensure that inclusive education was adopted as a fundamental principle. He encouraged the Dutch authorities to develop access to inclusive education beyond the framework of "appropriate education".

### ***Visit to Hungary***

The Commissioner visited Hungary from 1 to 4 July. The visit focused on media freedom, the fight against racism and discrimination, and the human rights of migrants, including asylum seekers.

During his visit the Commissioner held discussions with the Hungarian authorities, including the Minister of Justice, Mr Laszlo Trocsanyi, the Deputy Minister for Foreign Affairs and Trade, Mr Péter Szijjarto, the State Secretary for Social Affairs and Inclusion and the Deputy State Secretary for Social Inclusion at the Ministry of Human Resources, Mr Karoly Czibere and Ms Katalin Langerné Victor, the Deputy State Secretary at the Ministry of Interior, Ms Krisztina Simonné Berta, the Chairperson of the Hungarian delegation to the Parliamentary Assembly of the Council of Europe, Mr Zsolt Németh, and the Deputy Chief Prosecutor, Mr Ervin Belovics. The Commissioner also met with the Commissioner for Fundamental Rights (Ombudsman), Mr László Székely, the President of the National Authority for Data Protection and Freedom of Information, Mr Attila Péterfalvi, the President of the Equal Treatment Authority, Ms Ágnes Honecz and a member of the Media Council, Mr Andras Koltay. In addition, the Commissioner met with representatives of a number of international and non-governmental organisations.

On 16 December, the Commissioner followed-up on this visit by publishing a report. While welcoming improvements to Hungary's media legislation introduced since the adoption of a restrictive media package in 2010, the Commissioner expressed concerns that media in Hungary suffer from an inadequate legal framework and political pressures. The mere existence of some provisions, such as severe sanctions, pushes a number of media outlets towards self-censorship. The extensive administrative regulatory powers of the Media Council coupled with its vulnerability to political influence and control also remain problematic. Moreover, measures such as the tax on advertising revenues and restrictions on political advertising threaten media pluralism. In the Commissioner's view, urgent action is needed to improve media freedom, including by reviewing the provisions of the Media Act on opinion and political views; extending the protection of sources to freelance journalists; excluding print and online media from registration requirements; strengthening the independence of media regulatory bodies; and decriminalising defamation.

Though Hungary reinforced its legislation to combat hate crimes and hate speech and its implementation, the Commissioner is concerned at the deterioration of the situation as regards racism and intolerance, in particular targeting Roma, Jews, asylum seekers and refugees, LGBTI persons, and the poor and homeless persons. The visible presence of extremist organisations as well as their links with a political party represented in parliament whose members use anti-Roma and antisemitic rhetoric is of particular concern. The Hungarian authorities should combat intolerance and discrimination more resolutely, including by better investigating the possible racial motivation of offences and imposing appropriate sanctions against individuals and groups who advocate or commit acts of racist violence, incite racial hatred and oppose the basic principles of democracy and the rule of law.

The Commissioner noted that the fight against all forms of discrimination also needed to be strengthened. Roma access to non-segregated education, decent housing and employment must be improved. Urgent progress is also necessary to ensure respect of the rights of persons with disabilities. In particular, the Commissioner called on the authorities to stop placements of persons with disabilities in institutions and avoid opening new institutions, even if they are smaller. Resources should be moved from institutions to individualised support services. In addition, noting the high number of persons placed under guardianship in Hungary, the Commissioner stressed that these persons' right to make decisions was not guaranteed in accordance to human rights standards. Concerning discrimination against LGBTI persons, the Commissioner regretted that progress made in fighting intolerance and discrimination against these persons had been marred by attempts to ban the Pride March and to introduce legislation criminalising the "promotion" of homosexuality.

The Commissioner also expressed concern at measures taken to prohibit sleeping rough and construction of huts and shacks in Budapest and other cities. He urged the Hungarian authorities to review the restrictive regulations, investigate reported cases of forced evictions without alternative solutions and of children being taken away from their families on the grounds of poor socio-economic conditions, and develop a national social housing strategy adapted to the needs of homeless persons.

Regarding the human rights of immigrants, asylum seekers and refugees, the Commissioner was concerned at the extensive use of detention for asylum seekers, in spite of legislative improvements introduced in 2013. He reiterated that detention of asylum seekers can only be used as a measure of last resort, for the shortest possible period of time and based on individual assessments and urged the authorities to use alternatives to detention more frequently. The asylum detention regime, still characterised by arbitrariness and lack of effective judicial review, should also be improved. Noting that the law still allows the detention of asylum seeking families with children, the Commissioner also called for this provision to be repealed, stressing that no children, whether alone or with their families, should be subjected to immigration detention. The Commissioner also focused on the need to improve the integration of refugees and other beneficiaries of international protection in Hungary, including by removing existing obstacles to family reunification.

Lastly, while commending Hungary's efforts to combat statelessness, the Commissioner noted that the existing limitations which prevent persons unlawfully residing in Hungary from applying for stateless status is in breach of Hungary's international obligations under the 1954 UN Convention and should be removed. He also called on the authorities to remove the obstacles which may impede children from acquiring a nationality.

### ***Visit to France***

The Commissioner carried out a visit to Marseille and Paris from 22 to 26 September, focusing on certain issues pertaining to racism and intolerance, and the human rights of immigrants and asylum seekers, of Travellers, of migrant Roma and of persons with disabilities.

During his visit the Commissioner held discussions with the French authorities, including the Minister of Justice, Ms Christiane Taubira, the Minister of State for Persons with Disabilities and the Fight against Exclusion, Ms Ségolène Neuville, the Minister of State for European Affairs, Mr Harlem Désir, the Director of the private office of the Minister of Interior, Mr Thierry Lataste, the Interministerial Delegate for the Fight against Racism and Anti-Semitism, Mr Régis Guyot, the Interministerial Delegate for Accommodation and Access to Housing, Mr Alain Régnier, and the Prefect for Equal Opportunities of the Bouches du Rhône, Ms Marie Lajus. In addition, the Commissioner met with the Defender of Rights, Mr Jacques Toubon, the General Controller of Places of Deprivation of Liberty, Ms Adeline Hazan, and the President of the National Consultative Commission on Human Rights, Ms Christine Lazerges, along with members of the Commission.

The Commissioner also met with academics, representatives of the Muslim and the Jewish communities and a number of non-governmental organisations. He carried out visits to a Roma camp and a migrant detention centre in Marseille, to a neighbourhood in the North of Paris, where he met with homeless

asylum seekers and unaccompanied migrant minors, and to the child psychiatry department of the Necker Hospital, Paris.

At the end of his visit the Commissioner issued a press release in which he expressed concern at the increase in intolerance in France, which is reflected in an upsurge of racist, antisemitic, anti-Muslim and homophobic rhetoric and acts. He stressed that the solid legal framework which makes it possible to sanction hate speech and violence needs to be complemented by more preventive and awareness-raising measures, particularly targeting users of the Internet, where hate speech has become more prevalent. He also highlighted the particular responsibility of political leaders, who should not just refrain from any stigmatising or discriminatory words but also clearly and firmly condemn all hate speech and promote equality.

As regards asylum seekers, the Commissioner was worried about the situation of many asylum seekers and unaccompanied migrant minors who do not have access to adequate reception facilities and find themselves homeless on the streets or in emergency accommodation centres which are not suited to their situation. The Commissioner regretted France's low participation in the UNHCR programme for the resettlement of Syrian refugees and called on the authorities to accept more of them. He also urged the French authorities to ensure that the announced simplification and acceleration of asylum procedures would not be carried out to the detriment of procedural guarantees and asylum seekers' rights.

The Commissioner further noted that migrant Roma in France are particularly frequent victims of intolerance, although they are a relatively small group and their numbers seem to have been stable (less than 20 000) for many years. He stressed that their fundamental needs are the same as those of anybody else in a highly vulnerable situation, concerning notably access to housing, healthcare, education and employment. He urged France to put an end to forced evictions from informal settlements during which no lasting housing solution is proposed and to give priority to access for all Roma children to school.

Commissioner Muižnieks also expressed concern about the situation of Travellers, who continue to face major difficulties because of the insufficient number of encampment areas. He encouraged the authorities to ensure that municipalities fulfil their obligations in this respect and to continue the reforms aiming to eradicate discriminatory measures, such as those relating to the Travellers' circulation booklets and their attachment to home municipalities.

Lastly, as concerns the situation of persons with disabilities, the Commissioner was pleased to note that public policies give priority to autonomy and social inclusion. However, he regretted that the implementation of these policies is still lagging behind and that persons with disabilities continue to experience a great deal of discrimination. The Commissioner stressed that children with disabilities, like all children, must fully and effectively enjoy the right to education and urged the authorities to take all necessary measures to ensure that all children with disabilities can attend school and to continue the efforts undertaken to promote their enrolment in mainstream schools. He also encouraged the authorities to give full effect to the 2005 law on disability, emphasising that major progress still had to be made to guarantee access for people with disabilities to public places. The Commissioner also regretted that at least 6 000 French people with disabilities are still placed in facilities in Belgium. He called on the authorities to step up their efforts to provide all people with disabilities adequate support adapted to their situation.

The Commissioner's report following this visit was published in February 2015.

### ***Visit to Armenia***

The Commissioner visited Armenia from 5 to 9 October. During the visit, the Commissioner held discussions on the administration of justice and the protection of human rights in the justice system as well as issues pertaining to the rights of women and gender equality.

In Yerevan, the Commissioner met with Mr Serzh Sargsyan, the President of the Republic, and Mr Hovik Abrahamyan, the Prime Minister. In the National Assembly, he met the Chairman (Speaker), Mr Galust

Sahakyan, as well as representatives of the different parliamentary factions. From the executive branch, he also met the Minister of Defence, Mr Seyran Ohanyan, the Minister for Foreign Affairs, Mr Edward Nalbandian, the Minister of Justice, Mr Hovhannes Manukyan, the Minister of Labour and Social Affairs, Mr Artem Asatryan, and the Head of the National Police, Mr Vladimir Gasparyan. From the judiciary, he met the Chairman of the Constitutional Court, Mr Gagik Harutyunyan, the Chairman of the Court of Cassation, Mr Arman Mkrtumyan, the General Prosecutor, Mr Gevorg Kostanyan, the Head of the Special Investigation Service, Mr Vahram Shahinyan, the Military Prosecutor, Mr Artavazd Harutyunyan, the Head of the Judicial Department, Mr Karen Poladyan, as well as representatives of the Association of Judges and members of the Chamber of Advocates. In addition, the Commissioner held discussions with the Human Rights Defender (Ombudsman), Mr Karen Andriasyan, representatives of civil society, and the international community.

The Commissioner visited the town of Vanadzor located in the northern region of Lori, where he met with representatives of the regional and local authorities, a judge of the Lori first instance court, and a number of civil society actors.

While he welcomed the adoption of the National Human Rights Action Plan for 2014-2016, the Commissioner found that it should be considered as a work in progress, and invited the authorities to conduct an on-going review of its implementation, with the active involvement of civil society, in order to improve it.

Encouraging the efforts to reform the justice sector, the Commissioner emphasised that every effort should be made to enhance its impartiality, independence and effectiveness. He recommended reviewing the procedures for the selection, appointment, promotion and dismissal of judges, in order to better ensure the independence of the judiciary from the executive. The main decision-making prerogative in such matters should be more specifically assigned to the judicial body in charge and the discretionary powers of the President should be circumscribed. The Commissioner expressed concern about the reported interference by senior judicial instances in the work of lower-court judges. He underlined that individual judges must be allowed to adjudicate cases independently and that they should be free from any improper influence, either by external actors or higher judicial instances. Disciplinary proceedings should not be used as an instrument of influence or retaliation against judges and the necessary safeguards must be put in place to prevent their arbitrary use. Noting the increasing caseload at all levels, the Commissioner highlighted the importance of allocating sufficient resources to the Armenian judiciary and favouring the use of non-judicial mechanisms for the resolution of disputes.

The Armenian authorities, as well as all actors in the criminal justice system, have the obligation to ensure that the principles of equality of arms and adversarial proceedings are made fully effective in the practice. Noting that the prosecution retains a dominant position in the Armenian criminal justice system, the Commissioner strongly emphasised the importance of the judge as impartial arbiter, and of the right to defence and access to legal aid from the outset of police custody and throughout investigation and trial processes. The legal aid system should be reinforced and judicial, public and political actors should scrupulously respect the principle of the presumption of innocence. Expressing concern about the frequent use of pretrial detention, the Commissioner urged the authorities to conduct the necessary reforms in order to allow for the effective use of non-custodial preventive measures.

The persisting reports of acts of torture and ill-treatment by the police and other law enforcement bodies and the related problem of impunity are a source of major concern to the Commissioner. The definition of torture in the Criminal Code should be amended in compliance with international standards with a view to ensuring the proper qualification and punishment of acts of torture. The Special Investigation Service, which is responsible for investigating abuses involving officials, should not have to rely on police officers in the collection of evidence in potential ill-treatment cases. The safeguards against torture and ill-treatment should be strengthened in law and in practice, and criminal investigative techniques should be developed with a view to increasing the use of physical evidence and reducing the reliance on confessions and information obtained through questioning. As regards the investigation into the ten deaths that occurred during the March 2008 events, the Commissioner noted with concern that has still not yielded results.

While commending the Armenian authorities for effectively addressing the long-standing issue of the right to conscientious objection, the Commissioner called upon them to intensify their efforts to tackle the problem of non-combat violence - which sometimes results in deaths - in the army. In this context, attention must be paid to conducting effective investigations into allegations of human rights abuses and fostering the trust of the victims' families and the public.

Substantial efforts remain to be undertaken in Armenia to ensure the equal status of women in society and to combat discrimination and bias on the grounds of sex. The Commissioner welcomed the adoption of gender-related policies and the 2013 Law on Equal Rights and Equal Opportunities for Women and Men as steps in the right direction, which should be implemented in practice. A further important step would be to adopt a comprehensive anti-discrimination law, on the basis of the work already performed by the Office of the Ombudsman in consultation with other actors. The Commissioner called upon the Armenian authorities to take concrete measures towards empowering women and increasing their participation in public and political life, as well as to ensure that the education system is free of gender bias and stereotypes.

Political and community leaders should send an unequivocal message that violence against women can never be acceptable. It would be important for the country to adopt specific legislation against domestic violence and to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence. Noting with concern that domestic violence cases are not being effectively identified, investigated, prosecuted and punished, the Commissioner urged the authorities to remedy these shortcomings and effectively protect the victims of violence. He also noted that prenatal sex-selection, which is reflected in skewed sex ratios documented at birth, is another manifestation of gender bias and encouraged the authorities to take measures to combat this phenomenon. Human rights organisations and defenders working in the field of women's rights should be in a position to carry out their activities in an environment free from intimidation and threats. The media could be encouraged to play an even more active role in increasing the awareness and understanding of the public on the rights of women and gender equality.

The Commissioner's report following his visit was published in March 2015.

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

From 22 to 24 October, the Commissioner carried out a visit to Azerbaijan which focused on the situation of human rights defenders. The urgency of this visit was dictated by the arrest and detention of virtually all the civil society partners of the Commissioner's Office over the summer of 2014.

In the course of his visit, the Commissioner held discussions with the authorities, including the Minister of Justice, Mr Fikrat Mammadov, the Deputy Minister for Foreign Affairs, Mr Mahmud Mammad-Guliyev, and the Prosecutor General, Mr Zakir Garalov. He also met with the Ombudsman, Ms Elmira Suleimanova. The Commissioner furthermore went to Kurdakhani detention centre, where he talked with Anar Mammadli, Leyla Yunus, Rasul Jafarov and Intigam Aliyev. He also met with family members of prisoners, defence lawyers and some civil society representatives.

The Commissioner shared with the authorities his concerns relating to deficiencies in the protection of freedom of expression, assembly and association in Azerbaijan, and shortcomings in the NGO legislation and the way it is implemented, noting that legislation should not make human rights work impossible. He also raised the issue of the full and effective execution of judgments of the European Court of Human Rights, referring in particular to the case of Ilgar Mammadov. He noted that this judgment, which found that the applicant had been detained for purposes other than having committed an offence, brought the broader issue of selective justice to the forefront and called on the Azerbaijani authorities to deal with this and similar cases as a matter of priority.

Following his visit, the Commissioner published on 24 November on Facebook a personal account of his visit and meetings with imprisoned human rights defenders. He noted that while most of his partners were

in detention, others had discontinued their human rights work, had left the country over the summer, or had gone into hiding as reprisals spread. Noting that these developments also made co-operation between Azerbaijan and the Council of Europe extremely difficult, the Commissioner urged the authorities to immediately stop the reprisals against the Organisation's partners in the country.

### **1.3 Missions**

#### ***Mission to London/Oxford***

On 4 March the Commissioner held a lecture at the Institute for Human Rights of University College London's Faculty of Laws, entitled "Refugee Protection, Migration and Human Rights in Europe: Notes from the field". The lecture focused on the difficulties faced by irregular migrants, including asylum seekers, coming to the EU in general and on the Syrian refugee crisis in particular, and placed the debate back into the context of the right of every person to leave a country. On the same day, the Commissioner spoke at the European Council on Foreign Relations, on the theme "Upholding Human Rights in wider Europe". The Commissioner highlighted some of his findings in countries outside the EU area, in particular concerning the administration of justice and police violence. On 5 March the Commissioner participated in the debate "Migration and Human Rights: Trends and Priorities for Action", held at the Centre on Migration, Policy and Society (COMPAS) of the University of Oxford. He expressed concern, *inter alia*, at the widespread criminalisation of migration, the numerous violations of the principle of *non-refoulement*, and the lack of recognition and implementation of the social and economic rights of irregular migrants in most Council of Europe member states. While in London the Commissioner also held meetings with representatives of national and international NGOs.

#### ***Mission to Italy***

On 13 and 14 March, the Commissioner attended an international conference in Rome entitled "*What Europe stands for*", attended by representatives of the Parliaments of EU member states and candidate countries, the European Parliament and the Parliamentary Assembly of the Council of Europe. In his keynote speech on ensuring respect for fundamental rights in EU member states, the Commissioner referred to his extensive human rights work in these countries and the relations between the Council of Europe and the European Union. He highlighted some concerns about the role played by EU institutions in addressing human rights problems in member states, with special reference to migration, the fiscal consolidation processes and austerity measures and their effects on human rights, the situation of persons with disabilities, and weak or incomplete anti-discrimination frameworks. In the Commissioner's view, in order to enhance its role in the protection and promotion of human rights, the EU needs to both enforce standards more stringently and consistently in areas where it has clear competence and, whenever it lacks the requisite competence, appeal to external actors, with the Council of Europe being an obvious specialised and privileged partner.

The Commissioner also took the opportunity of his presence in Rome to follow up on the developments since his visit to Italy in July 2012 and the subsequent report focusing on the excessive length of court proceedings and the protection of the human rights of Roma and Sinti, as well as of migrants, including asylum seekers. The Commissioner met Ms Laura Boldrini, the Speaker of the Italian Chamber of Deputies, and Mr Luigi Manconi, the Chair of the Extraordinary Commission on Human Rights of the Italian Senate, as well as other members of this Commission. The Commissioner also held meetings with several human rights NGOs and had an opportunity to discuss the situation regarding media freedom and the social and economic rights of journalists in the country with representative organisations of Italian journalists.

#### ***Mission to Malta***

The Commissioner travelled to Malta from 13 to 15 May, where he attended the IDAHO (International Day against Homophobia and Transphobia) Forum (see Chapter on thematic activities below). In the context of this mission the Commissioner held meetings with the Minister for Home Affairs and National Security, Mr Emmanuel Mallia, the Commissioner for Children, Ms Helen D'Amato, and the Board of Visitors for

Detained Persons. He also met with the head of the UNHCR Office in Malta, as well as with a number of human rights non-governmental organisations. Furthermore, the Commissioner visited an open reception centre for migrants in Marsa. The discussions focused on the systematic nature, the conditions and length of migrants' detention, and on the domestic remedies available to migrants for challenging the lawfulness of their detention.

### ***Mission to Kyiv, Moscow and Crimea<sup>1</sup>***

In the course of his mission to Kyiv, Moscow and Crimea (Simferopol and Bakhchisaray) from 7 to 12 September 2014, the Commissioner carried out the first *in situ* assessment by an international institution of the human rights situation in Crimea since March 2014. In Kyiv and Moscow, he focused on a number of issues in light of his previous work with respect to Ukraine and the Russian Federation. The discussions with the Ukrainian and Russian Ombudspersons were a key part of the mission.

In Kyiv, the Commissioner had meetings with the Minister of Foreign Affairs, Mr Pavlo Klimkin; the Deputy Minister of Justice, Ms Inna Yemelianova; the Parliamentary Commissioner for Human Rights (Ombudsperson), Ms Valeria Lutkovska, and representatives of civil society organisations, including those representing the interests of persons displaced from Crimea. The issues discussed included the situation of displaced persons in Ukraine; judicial and police reforms; the need to ensure accountability for serious human rights violations which have been taking place in recent months; combating impunity as part of the reconciliation process; and systematic work for implementing human rights at the national level.

In Moscow, the Commissioner had meetings with Mr Alexander Kononov, Minister of Justice; Mr Aleksey Meshkov, Deputy Minister of Foreign Affairs; Ms Ella Pamfilova, Commissioner for Human Rights of the Russian Federation (Ombudsperson); Mr Leonid Slutsky, member of the State Duma and Vice-Chairperson of the delegation of the Russian Federation to the Parliamentary Assembly of the Council of Europe; and various civil society organisations. The issues discussed included the situation of human rights defenders in light of the implementation of the legislation on "foreign agents"; on-going reforms in the penitentiary and judicial systems; and certain issues related to the implementation of the decisions of the European Court of Human Rights. With the Commissioner for Human Rights, the discussion was focused on possible ways and potential areas for co-operation in the future.

In Crimea, the Commissioner had meetings with the key decision-makers in the region; representatives of the Mejlis of Crimean Tatars; the local ombudsperson; local non-governmental organisations, lawyers working on certain cases related to human rights violations; journalists; and religious leaders.

Following the mission, the Commissioner made an intervention before the Parliamentary Assembly during the current affairs debate on the crisis in Ukraine and during his exchange of views with the Committee of Ministers.

On 27 October, the Commissioner published a report on this mission with an overview of the main human rights issues he discussed with various interlocutors in Ukraine and the Russian Federation.

As regards the human rights situation in Crimea, the Commissioner emphasised the need to ensure accountability for serious human rights violations and highlighted the main principles established in the case-law of the European Court of Human rights with regard to effective investigations. On the topic of minority rights, he urged the relevant stakeholders to put an end to the practice of intrusive searches which have been carried out in religious institutions, businesses and private homes belonging to members of the community of Crimean Tatars. He further emphasised the need to create a sense of security for Crimean Tatars, ethnic Ukrainians and any other minority communities which have been

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<sup>1</sup> The mission of the Commissioner for Human Rights was aimed at fostering the effective enjoyment of human rights. It cannot be interpreted as recognising either the authorities that exercise *de facto* jurisdiction or any altered status of the territory in question.

rendered more vulnerable by the changed circumstances in the region. Furthermore, having regard to the vital role of the press as a “public watchdog” in a democratic society, he highlighted the need to uphold media freedom in the region.

As to the auxiliary “Self-Defence” forces (*Samooborona Kryma*) which have reportedly been performing police-like functions, the Commissioner noted that their legal status is unclear and some of their actions have led to serious concerns among various human rights organisations and structures. He expressed the opinion that such forces should be disbanded, while individual members - who are not implicated in human rights violations – may be integrated, if they so wish, into regular police forces.

The Commissioner examined several issues related to the granting of citizenship of the Russian Federation to residents of the peninsula, emphasising that the wishes of the person concerned should be the paramount consideration in this regard, and that such consent should be active and clearly stated. The Commissioner also appealed for free and unhindered access of international organisations and missions to the region, including those whose mandate is to provide independent and impartial monitoring of the human rights situation. Furthermore, the Commissioner emphasised the need to promote safe and favourable conditions for the work of human rights defenders.

### ***Mission to Turkey***

From 18 to 22 October, the Commissioner carried out a visit to Turkey, the main purpose of which was to deliver a lecture at Bilgi University in Istanbul and a keynote speech at an event hosted by the Turkish Ombudsman Institution in Ankara. The Commissioner also took this opportunity to meet with the Turkish authorities, academics and NGO representatives.

In the lecture he delivered at Bilgi University in the framework of an international conference entitled “*Contemporary Turkey at a Glance: Turkey transformed? Power, History, Culture*”, the Commissioner presented the complex picture emerging from his work on Turkey, referring to important legal and institutional advances regarding human rights as well as worrying setbacks which occurred in recent years. He particularly emphasised that the civic orientation and strong human rights alliances in Turkish civil society were unique features of the country. The Commissioner also drew attention to the need to place human rights issues in Turkey in a broader European context, pointing to common challenges faced by Turkey and other member states, and to the fact that the way Turkey deals with a number of cutting-edge human rights issues, such as Internet governance, surveillance and transitional justice, will also have a direct impact elsewhere. He also highlighted Turkey’s role in the Syrian refugee crisis, which brought to the fore serious problems in the European migration and asylum policies.

Following a series of meetings with civil society in Istanbul, the Commissioner travelled to Ankara to participate on 21 October in the second international symposium on Ombudsman institutions, which brought together a number of European ombudspersons and was attended by high-level Turkish officials, including the President of the Republic, the Speaker of the Parliament and several Ministers. In his address during the opening session, the Commissioner gave concrete examples of how co-operation between his Office and national ombudspersons have made a positive impact in several countries. He welcomed the achievements of the Turkish Ombudsman Institution in the short period since its establishment in 2013 and called on the Turkish authorities both to reinforce this institution and to improve compliance of administrative authorities with its decisions.

On the occasion of this visit to Ankara, the Commissioner also met with the Turkish Minister of Foreign Affairs, Mr Mevlüt Çavuşoğlu, and the President and other members of the Turkish Human Rights Board. He also had a meeting with the Director-General of AFAD (Turkish Disaster Management Presidency), who briefed him about the latest developments relating to the Syrian refugees in Turkey.

### ***Mission to Northern Ireland, United Kingdom***

On 5-6 November the Commissioner travelled to Belfast to attend a conference organised by the Transitional Justice Institute of Ulster University on “Transitional justice in the context of European convention obligations: the right to life and dealing with the past”. In his keynote speech the Commissioner underlined that in dealing with the past, durable solutions cannot be achieved unless they are based on the pillars of justice, reparations, truth, and guarantees of non-recurrence. He also highlighted that transitional justice mechanisms must draw upon and be rooted in the human rights principles enshrined in the Convention, as interpreted authoritatively by the European Court of Human Rights. During the conference the Commissioner met with Mr Martin McGuinness, Deputy First Minister of Northern Ireland, Mr Michael Maguire, Police Ombudsman for Northern Ireland, and Mr John Larkin, Attorney General for Northern Ireland. He also held meetings with Mr David Ford, Minister of Justice in Northern Ireland, Mr Michael Wardlow, Chief Commissioner, and Ms Evelyn Collins, Chief Executive of the Equality Commission for Northern Ireland, members of the Northern Ireland Assembly, and representatives of civil society.

### ***Field visit to Roma Projects in Strasbourg***

On 9 December, the Commissioner carried out a mission in Strasbourg focusing on the human rights of Roma. He visited an unofficial Roma camp in which around 50 persons live in substandard conditions, and a municipality-run “transitional centre”, where approximately 135 Roma are hosted in decent conditions and provided with social welfare assistance. The Commissioner also met with representatives of both the local authorities (the Sub-Prefect of the Bas-Rhin, Mr Jean-Luc Jaeg, the deputy-mayor of Strasbourg in charge of social affairs, Ms Marie-Dominique Dreyssé and the head of the municipal department in charge of Roma-related issues, Mr Jean-Claude Bournez) and civil society organisations active in the field of protecting the rights of Roma. Following this visit, the Commissioner published a statement on Roma inclusion on his Facebook page (see below).

## **1.4 Continuous Monitoring**

### ***Letters to the Greek Ministers of Public Order and Citizen Protection and of Shipping and the Aegean***

On 14 January the Commissioner published two letters that had been addressed on 5 December 2013 to the Minister of Public Order and Citizen Protection, Mr Nikolaos Dendias, and the Minister of Shipping and the Aegean, Mr Miltiadis Varvitsiotis.

In his letters, the Commissioner noted the adoption of legislative measures aimed at protecting access to health and social care in initial reception centres for migrants, including for minors. However, he expressed his concern at the large number of reported collective expulsions of migrants by Greece, including a large number of Syrians fleeing war violence, and allegations of ill-treatment of migrants by members of the coast guard and of the border police. He called on the Greek authorities to carry out effective investigations into all recorded incidents and to take all necessary measures in order to end and prevent recurrence of such practices. Commissioner Muižnieks underscored that collective expulsions of foreign nationals violate international and European human rights law and raise very serious issues of compatibility with the fundamental principle of *non-refoulement*, enshrined in the UN Refugee Convention, by which Greece is bound. The Commissioner further urged the Greek authorities to overhaul their migration policy and practice and welcomed as a first positive step the investigations into ‘push-backs’ and the alleged ill-treatment of migrants, as well as their commitment to informing him of the outcome of these investigations.

### ***Letter to the Greek Minister of Shipping and the Aegean***

On 14 February the Commissioner published his reply to the letter of 28 January addressed to him by the Minister of Shipping and the Aegean, Mr Miltiadis Varvitsiotis, relating to the drowning of eleven migrants near the isle of Farmakonisi on 20 January.

In his letter, the Commissioner acknowledged the serious challenges that the Hellenic Coast Guard has been faced with and the numerous, praiseworthy sea rescue operations that have been carried out. He noted with satisfaction the apology for the deaths of the eleven migrants (8 children and 3 women) on 20 January, which was publicly expressed by the Head of the Coast Guard, as well as the initiation of a criminal investigation into the conditions of the coast guard intervention of 20 January that led to the rescue of 16 migrants and the deaths of the eleven others. The Commissioner expected this investigation to be prompt, to shed full light on the circumstances of this tragic event, and to lead to the identification, prosecution and effective sanctioning of every person responsible for these deaths, in compliance with the relevant standards developed by the European Court of Human Rights. He reiterated his call on the Greek authorities to establish an independent complaints mechanism covering the action of all law enforcement authorities, in accordance with his predecessor's Opinion concerning Independent and Effective Determination of Complaints against the Police of 2009. Lastly, he stressed the importance of the language which is publicly used with regard to irregular migration and expressed his preference for using the term 'irregular migrant', and 'irregular migration', given that this is more neutral and does not carry the stigma of the term 'illegal'.

### ***Letter to the Prime Minister of the Czech Republic***

On 18 March the Commissioner published a letter sent on 28 February to the Prime Minister of the Czech Republic, Mr Bohuslav Sobotka, in which he expressed concern about the continuing trend of anti-Roma violence in the country.

Whilst welcoming the measures taken by the Ministry of the Interior to protect citizens from violence, the Commissioner considered that the increased frequency of these events and the consistent targeting of Roma call for a more comprehensive response by the authorities. The Commissioner urged the Czech authorities to give effect to the Council of Europe standards and those contained in the 1966 International Convention on the Elimination of All Forms of Racial Discrimination, especially Article 4 concerning the effective sanctioning of racist organisations and of activities promoting and inciting racial discrimination. As a first step, the authorities could consider banning demonstrations in the vicinity of Roma neighbourhoods where there are indications that the participants intend to march towards these neighbourhoods with the aim of targeting Roma communities.

The Commissioner also considered that widespread discrimination and violence against Roma require overarching efforts to promote tolerance and anti-discriminatory attitudes throughout the majority population and stressed the essential role played by political and opinion leaders in promoting respect for human rights and social cohesion. Referring to his earlier recommendations made in the report following his visit to the Czech Republic in November 2012, the Commissioner called on the Czech authorities to clearly reassert their condemnation of racist manifestations and to take measures to prevent the recurrence of hate crimes against members of minority groups.

### ***Letter to the Hungarian Prime Minister's Office***

Following his visit to Hungary (see above), the Commissioner published a letter he wrote to the Minister of the Prime Minister's Office, Mr János Lázár, on 24 July, to express concern over the situation of NGOs in Hungary. He referred in particular to the stigmatising rhetoric used against NGOs active in the field of promoting human rights and democratic values, with politicians questioning the legitimacy of their work. The Commissioner deplored a series of allegations by government officials whereby the Norwegian Civil Fund (the so-called NGO Fund) was used to support political activities in Hungary, following which a number of audits had been carried out by the Hungarian Government Control Office on beneficiaries of the NGO Fund. The Commissioner urged the Hungarian authorities to ensure an enabling environment for NGOs and underlined that imposing additional administrative requirements on a selected number of NGOs, solely based on their supposed or actual activity, is inadmissible.

## ***Observations on the human rights situation in Azerbaijan***

Following up on a report he released in August 2013, the Commissioner published his observations on the human rights situation in Azerbaijan on 23 April, focusing on freedom of expression, assembly and association and on the right to property. The Commissioner regrets a deterioration of the situation in these human rights areas and urges once again the Azerbaijani authorities to comply with the country's human rights obligations and commitments as a member state of the Council of Europe.

Referring to unjustified and selective criminal prosecutions against critical voices, the Commissioner deplored a series of arrests based on charges which lack credibility, including journalist Parviz Hashimli, online activist Abdul Abilov and blogger Omar Mammadov. The Commissioner was also concerned by the conviction of Hilal Mammadov, journalist, academic and minority rights defender; Tofiq Yagublu, deputy chair of the opposition political party Musavat and journalist; and Ilgar Mammadov, Chair of the Republican Alternative Civic Movement.

With defamation still criminalised and disproportionate damages awarded in civil proceedings, the Commissioner pointed to Azerbaijan's lack of compliance with the case-law of the European Court of Human Rights and Council of Europe recommendations in the field of freedom of expression.

Additional restrictions to the activities of non-governmental organisations introduced by law in February 2014 were reasons for further concern. The Commissioner stressed that this new law worsened an already cumbersome situation in which NGO activities were disproportionately restricted.

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

The Commissioner also expressed concerns about the arrest of Anar Mammadli, Chairman of the Election Monitoring and Democracy Studies Center, under investigation for illegal business, tax evasion and abuse of power. He stressed that NGOs needed less restrictive NGO legislation in order to be able to pursue their public watchdog function.

Lastly, the Commissioner expressed concerns at continuing demolitions of houses and violations of property rights and called on the authorities to ensure that all persons affected by expropriations have access to an effective remedy at national level and that any further expropriations and demolitions are carried out in a lawful manner, with fair compensations.

## **2 Thematic activities**

### **2.1 Introduction**

The range of human rights themes addressed by the Commissioner in 2014 was very broad. One of the highlights was the publication of a major research paper and the Commissioner's recommendations on the rule of law on the Internet. Particular attention was also given to the human rights of immigrants and refugees, the protection of journalists and safeguarding human rights under austerity. The Commissioner continued to highlight children's rights and the human rights of people with disabilities, LGBTI persons and Roma in his work. Increasing emphasis was put on gender equality and combating antisemitic and anti-Muslim prejudice.

Steady progress was made by member states in the development and implementation of national human rights action plans. The Commissioner organised two events on this topic in 2014. Statelessness and transitional justice remained firmly on the Commissioner's agenda. The accountability and oversight of

law enforcement officials and national security services drew attention to the need to further strengthen human rights protection systems.

Although not referred to in detail in this chapter, the Commissioner's activities also covered trafficking in human beings and the fight against terrorism. In a major Council of Europe-OSCE Conference against trafficking in human beings in February, the Commissioner highlighted the links between effective action against trafficking and human rights work in the fields of migration and the protection of children. As regards safeguarding human rights in the fight against terrorism, the Commissioner continued to stress the need to establish accountability for what happened on European soil in anti-terrorist operations related to rendition flights and the secret detention of terrorist suspects.

## **2.2 Internet and human rights**

Human rights are increasingly exercised through the use of the Internet. Therefore the Commissioner put particular emphasis on the online enjoyment of human rights in 2014. In December, the Commissioner published an Issue Paper on the rule of law on the Internet and in the wider digital world which addresses the pressing question of how to ensure that the rule of law is established and maintained in the digital environment. The research paper brings into sharp focus the threats derived from interfering in Internet activities without complying with international standards on data protection and freedom of expression. It notes that a great deal of Internet infrastructure is under the control of private companies, which are not directly bound by international human rights law. Although private entities are usually subject to the national laws of the countries in which they are established or active – the relevant domestic legislation does not always conform to international law or human rights standards either.

Another crucial issue is the increasing pressure exercised by states and other actors on private businesses to reveal users' data or to actually police web content themselves. In the Commissioner's view, all this underscores the urgency of taking action to reaffirm the rule of law on the Internet. States should stop hiding behind private companies and using them to impose practices that violate human rights. The responsibility of states for failing to ensure respect for human rights by private entities and the responsibility of business enterprises in relation to their activities affecting the Internet should both be clarified. The Issue Paper also highlights the threats posed by the increasing surveillance practiced by state security, law enforcement agencies and private companies, often in co-operation with each other. In addition, it stresses the need to limit the exercise of extra-territorial jurisdiction in relation to transnational cybercrimes.

On releasing the publication, the Commissioner pointed out that content restrictions on the Internet can only take place on the basis of a strict and predictable legal framework and with thorough judicial oversight. He warned that a protracted failure to protect human rights in the digital world through global arrangements lent legitimacy to calls by states to have their data routed and stored solely through local routers, cables and clouds. This posed a risk of destroying the Internet as we know it by creating national barriers to a global network.

In June, the Commissioner participated in the opening plenary of the seventh edition of the European Dialogue on Internet Governance (EuroDIG) in Berlin, where he discussed the importance of maintaining the Internet as a space for free expression without undue blocking or filtering by governments. The Commissioner highlighted the human rights aspects of Internet governance and the primary responsibility of states for the protection of these rights, offline as well as online.

## **2.3 Freedom of expression and media freedom**

Freedom of expression and media freedom were central issues in the Commissioner's thematic and country work in 2014. On World Press Freedom Day in May, the Commissioner wrote a widely published opinion piece highlighting killings and violence perpetrated against journalists while urging states to honour their obligation to ensure press freedom and safety of journalists. Together with the UN Special Rapporteur on Freedom of Expression Frank Ia Rue and the OSCE Special Representative on Freedom

of the Media Dunja Mijatović, the Commissioner published another editorial in the Italian daily *Corriere della Sera* calling for the decriminalisation of defamation in Italy.

In May, the Commissioner took part in the Council of Europe “*Round Table on Safety of Journalists – From Commitment to Action*”, which aimed at promoting dialogue between international institutions and media freedom organisations in addressing severe human rights violations against journalists. In his opening speech, the Commissioner referred to the threats to press freedom in Europe, notably police violence against journalists covering demonstrations and violence against journalists in conflicts zones. In a number of countries, journalists are also facing judicial harassment, sometimes followed by detention, and obstacles to carrying out their work because of restrictive legal provisions affecting their right to freedom of expression.

In November, the Commissioner participated in a seminar and inter-regional dialogue on the protection of journalists, organised jointly by the Council of Europe, UNESCO, the Centre for Freedom of the Media of the University of Sheffield and the European Lawyers Union. In his opening remarks, the Commissioner explained his work related to the protection of journalists both online and offline. He referred to a number of cases of violence, harassment and threats targeting journalists in Council of Europe member states, which are often symptomatic of more general human rights problems.

On several occasions, the Commissioner reacted through social media to the arrest and harassment of journalists and media workers, especially in Azerbaijan and Turkey. The Commissioner also expressed concern at several attacks against journalists, including in Italy, Russia, Spain and Ukraine. Social media were also increasingly used to raise concern about draft bills threatening freedom of expression, media freedom, or freedom of speech online.

A number of country reports published in 2014 referred to these issues. This was the case for the reports on Montenegro and Hungary and the Commissioner’s observations on Azerbaijan.

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

The human rights of migrants, including refugees, asylum seekers and internally displaced persons (IDPs) were a key theme in the Commissioner’s activities in 2014. Particular attention was given to violations of the prohibition of collective expulsions, deaths of migrants at sea, the detention of irregular migrants, the protection of migrant children, and integration measures. The Commissioner addressed on several occasions the situation of Syrian refugees, and that of IDPs, in the context of the developments in Eastern Ukraine and Crimea.

In September, the Commissioner spoke at the conference “*Migrants and refugees - then and now*”, organised by the Association of European Migration Institutions in Riga. He highlighted some of the most problematic practices and policies targeting irregular migrants coming to the EU, including “push-backs” in the Mediterranean, “Dublin returns” to countries whose asylum systems are dysfunctional, and criminalisation. In a number of media statements the Commissioner underlined that the practice of EU member states which erect walls and fences or resort to “push-backs” to deter migrants from reaching their territories is not only ineffective, but also bears tragic consequences as it exposes migrants to life-threatening risks. The Commissioner also addressed the issue of deaths of migrants at sea in his dialogue with the Greek authorities and expressed concern at collective expulsions in Ceuta and Melilla in a statement published on 10 December.

The integration of recognised refugees and beneficiaries of other forms of international protection was highlighted by the Commissioner in November in his speech at the Fundamental Rights Conference organised in Rome by the EU Agency for Fundamental Rights and the Italian Presidency of the Council of the EU. The Commissioner underlined that migrants’ integration and empowerment starts at local level and that local authorities in Europe need to take all necessary measures to fulfil their crucial role in this area. Non-nationals who are regular residents should be allowed to participate fully in public life at local level.

On the same occasion, the Commissioner pointed out that Europe should keep its borders open to allow more Syrian refugees to access European soil to seek and enjoy asylum, including through resettlement or relocation programmes and by granting humanitarian visas. He also called on the EU to ensure a solidarity-based, fair distribution of responsibility between member states for providing international protection to those in need.

The negative effects of the systemic, long-term detention of irregular migrants, including asylum seekers, were highlighted by the Commissioner during his visits and missions to Hungary, Denmark, the Netherlands, France, and Malta. He stressed that progress was still needed to ensure that administrative detention of migrants was used as a last resort only and urged the authorities to use alternatives to detention more frequently.

Concerning migrant children, the Commissioner highlighted the need to ensure that the best interests of the child are a primary consideration in all decisions relating to asylum and migration, in compliance with the UN Convention on the Rights of the Child. He stressed that no children, whether alone or with their families, should be subjected to immigration detention. The Commissioner also addressed the situation of homeless unaccompanied minor migrants in France, the use of inadequate age-assessment procedures in Hungary, the difficult requirements imposed on children for family reunification in Denmark, and the need to apply in a more inclusive way the procedure for granting residence permits to minor asylum seekers in the Netherlands.

During the year, the Office participated in several conferences and other events which discussed: the common challenges faced by national minorities and migrants (Florence, March); the shortcomings of EU policies on migration management and border control which negatively impact human rights of migrants in Greece (Brussels, March); the phenomenon of “boat migration” (London, June); the “global governance of irregular migration and asylum” (Florence, June); the cost-effectiveness of irregular migration control practices in the Mediterranean (Athens, October), and the protection of undocumented workers in the EU (Brussels, December).

## **2.5 Safeguarding human rights in times of economic crisis**

The effects of the economic crisis and austerity measures on the enjoyment of human rights remained a major concern with a particular focus on children, young people and women. On 3 June, the Commissioner published a Human Rights Comment on youth at risk during the crisis. He pointed out that young people were one of the groups hardest hit by the economic crisis in Europe, with youth unemployment being the most common pathology of many countries implementing austerity measures. In addition to social and economic rights, young people’s rights to equal treatment and participation have been undermined. Many young people are losing hope in the future of their countries, their faith in the political elite, and their belief in Europe.

The Commissioner stressed that a rights-based approach should replace the current neglect of young people in discussions about the crisis. Any temptation to lower labour standards and social protection when employing young people has to be resisted. Governments should empower young people to assert their rights. There is a need to strengthen awareness of human rights and create opportunities for effective participation in social, economic, cultural and political life.

On 10 July, the Commissioner published a Human Rights Comment on women’s rights during the crisis highlighting increasing poverty and homelessness (see the section on gender equality below). The following month, on 7 August, the Commissioner described the detrimental effects of austerity measures on universal access to health care. The Human Rights Comment outlined the measurable impact of cuts in health services and difficult economic and social conditions on people’s health in many countries. The Commissioner stressed that the right to health is guaranteed by international and European human rights instruments and that everyone’s access to health care should be ensured without discrimination. Many vulnerable groups, such as children, Roma and asylum-seekers have faced specific barriers in their access to health care.

The Commissioner highlighted the need to carry out reforms to make health services more effective as a response to rapid demographic changes and technological developments. It is also important to address wasteful practices and corruption in health care. However, such reforms should not simply amount to cost-cutting exercises but should always aim to deliver quality care to the entire population without excessive user charges. Governments have a duty to maintain health and social protection minima which are available to everybody at all times.

Another Human Rights Comment, published on 13 October, focused on the European social model. The Commissioner found that the adoption of austerity measures had so far contributed little to recovery but had rather exacerbated the dire living conditions of millions of people, resulting in widespread disillusionment in Europe. Growing evidence suggests that economic development would be more sustainable and societies more resilient when social rights are protected. In this context, the Commissioner highlighted the importance of the European Social Charter. By adopting the Charter, European Governments took a visionary decision: to base Europe's construction not only on the pursuit of economic prosperity and the protection of civil and political rights, but also on the rights of all citizens to have a job, decent housing, health protection, social security and quality education, and on protection from poverty and from social exclusion.

The Commissioner encouraged the universal ratification of the Charter's provisions by member states in order to create a homogenous European space where citizens are able to enjoy comparable social protection. He also stressed the usefulness of the Charter's collective complaint mechanism and advocated its wider application. A further positive step with the potential to have a major impact on people's everyday lives would be to increase the use of the case-law of the European Committee of Social Rights by national courts, tribunals and national human rights structures. The Charter has great value as a basis of the European social model, and its standards should be used to steer responses to the economic crisis.

The effects of the economic crisis were also a subject in the Commissioner's country reports. The report on the Netherlands highlighted the need to address rising poverty among children while responses to homelessness were reviewed in the report on Hungary.

## **2.6 Children's rights**

Children's rights featured prominently in the Commissioner's work during the year. On 29 April, he published a Human Rights Comment on children's rights in the digital world which highlighted threats to the private life of children and risks of encountering illegal or harmful content online or becoming a victim of predators who use the Internet to abuse children. Children themselves can also inflict harm on the Internet, for instance through cyber-bullying. As a response to these problems, the Commissioner called for a mix of legal and practical measures involving parents and educators, the authorities of member states and private companies such as ISPs. He insisted on the crucial need for empowering children to identify dangers and become more aware of their rights and responsibilities on the Internet. Excessive blocking and filtering should be avoided so that they do not result in disproportionate restrictions on freedom of expression. Internet content offering human rights education would also be useful.

In May, the Commissioner delivered a keynote speech at an international conference on juvenile justice, organised by the Stockholm Centre for the Rights of the Child. He referred to the persisting resistance to the idea of a justice system adapted to children's needs, expressed concerns about excessively punitive approaches adopted in some member states against youth crime and advocated a rights-based approach to justice for minors anchored to the principles of the UN Convention on the Rights of the Child. In addition, there is a lack of adequate safeguards for ensuring the rights of Roma, migrant and street children and children with disabilities. The Commissioner deplored the negative impact of austerity measures on juvenile justice systems and children's access to justice, and suggested that policies in place be reviewed with a view to making them both more cost-effective and respectful of human rights.

On the occasion of the 25<sup>th</sup> anniversary of the UN Convention on the Rights of the Child (20 November 2014), the Commissioner published a Human Rights Comment on the progress made and the remaining

gaps since the adoption of the Convention in 1989. With reference to the practice of detaining children on the sole basis of their migration status, the Commissioner expressed his firm conviction that migrant children, whether travelling alone or with their family, should never be detained. He also urged member states to promote inclusive education for all children so as to end segregated education for children with disabilities and Roma children. In addition, the Commissioner called on states to ensure that no child born on their territory is left stateless. Lastly, he underlined the need for long term policies to tackle the root causes of child poverty, a problem which had been exacerbated by austerity measures.

In December, the Commissioner addressed the rights of children in the context of migration in a video message to the European Conference on missing unaccompanied migrant minors in Brussels. He recalled that around 10 000 unaccompanied children claim asylum in the EU every year and that these children are extremely vulnerable to serious human rights violations, including trafficking in human beings, and extreme poverty. The Commissioner highlighted states' obligation to ensure that the best interests of the child are a primary consideration in all decisions regarding children, which implies that they are provided with access to adequate shelter and food, to education and health care, to asylum proceedings as appropriate, and to justice.

The Commissioner examined issues pertaining to children's rights during his visits to Montenegro, Romania, the Netherlands, Hungary and France.

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

The protection and promotion of the human rights of persons with disabilities was a major topic for the Commissioner in 2014 and the theme was frequently raised during the Commissioner's country visits. The Commissioner continued to draw attention to the wide gap between the agreed international human rights standards concerning persons with disabilities, notably as enshrined in the UN Convention on the Rights of Persons with Disabilities (CRPD), and the reality in Council of Europe member states.

The Commissioner paid significant attention to the human rights of persons with intellectual or psychosocial disabilities, in particular their segregation from mainstream society in "special" institutions and care homes, or "special" classes and schools. He outlined the major concerns relating to this particularly vulnerable group in the foreword to his 3rd Quarterly Report, reiterating his call on member states to make de-institutionalisation a priority by starting with moratoria on new placements in institutions. He also addressed this issue in a speech delivered at a joint hearing organised by the Equality Committee of the Parliamentary Assembly and the Council of Europe's intergovernmental committee on the rights of persons with disabilities (DECS-RPD) in October.

In April, the Commissioner opened an international symposium in Vienna on Human Rights and Disability organised under the Austrian chairmanship, and delivered a keynote speech concentrating on his experience of monitoring the human rights of persons with disabilities in Europe. He referred in particular to shortcomings relating to the rights to autonomy and to live in the community, to legal capacity and to an inclusive education in member states. He stressed the need for effective monitoring, with the full involvement of persons with disabilities themselves, whose access to policy-making and implementation monitoring mechanisms at the national and international levels, including within the Council of Europe, needed to be improved.

The Commissioner's reports on Denmark, Montenegro, Romania, the Netherlands and Hungary, as well as his visit to France, focused on the human rights of persons with disabilities. The right to live in the community was a major issue in five of these countries, where the Commissioner highlighted the need to transition from institutions to community-based services. He also pointed to the danger in some of these member states of settling for intermediate solutions, such as large group homes or clustered accommodation for persons with disabilities, which fall short of international obligations by perpetuating segregation in a different form.

The legal capacity of persons with intellectual and psychosocial disabilities was another important topic that the Commissioner examined in three of the aforementioned countries. He pointed to shortcomings in

legislation and practice, recommending the abolition of existing systems of substituted decision-making with supported decision-making alternatives. A connected issue in all these countries was the loss of the right to vote of persons placed under guardianship, contrary to the relevant international standards. In addition, the Commissioner looked at the issues surrounding coercion in psychiatry in Denmark, including forced hospitalisation and treatment, as well as the use of restraints.

The right of children with disabilities to inclusive education was another common theme which was assessed in Montenegro, Romania, the Netherlands and France. The Commissioner consistently stressed that the lifetime discrimination and isolation many persons with disabilities face often starts with their segregation in separate classes or schools, calling on these member states to step up their efforts to ensure fully inclusive education.

The Commissioner's Office continued to raise awareness of the Commissioner's work concerning the rights of persons with disabilities, both through the targeted dissemination of the issue papers on the rights to legal capacity and to be included in the community, and through participation in various events. Of particular note in 2014 was the Office's participation in an exchange organised by the UN Committee on the Rights of Persons with Disabilities with regional mechanisms in Geneva in September and in a side event on transition to community-based care at the European Parliament in Brussels in December.

## **2.8 Human rights of LGBTI persons**

The Commissioner's activities in promoting the human rights of lesbian, gay, bisexual, trans and intersex people (LGBTI) in 2014 had a particular focus on LGBTI children and intersex persons. On 9 May, the Commissioner published a Human Rights Comment on the lack of recognition of intersex people. He pointed out that intersex people encounter serious barriers to the enjoyment of their human rights, as they cannot be easily identified as male or female at birth. Parents of intersex babies are often ill-informed, and medical professionals can be quick to propose "corrective" surgery and treatment aiming to "normalise" the sex of the child. Such treatment can result in irreversible sex assignment and sterilisation performed without the fully informed consent of the parents or, even more importantly, the intersex persons themselves.

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

On 2 October the Commissioner published a Human Rights Comment on the safety and equality of LGBTI children. He observed that the bullying and violence to which LGBTI children are often subjected in schools, at home and via social media has a serious effect on their well-being and preventing openness about their personal identity. Finding this situation to be unacceptable, the Commissioner underlined that LGBTI children, like all children, are entitled to enjoy human rights and need a safe environment in order to participate fully in society. LGBTI children should be able to exercise their participatory rights in all areas of life, which presupposes access to factual information about sexuality and gender diversity.

Referring to some of the fundamental principles of the UN Convention on the Rights of the Child - respect for children's views and the protection of the best interests of the child - the Commissioner urged governments to take systematic action to improve the safety and equality of LGBTI children, who must be protected from violence and bullying at home, in schools, on the internet, in sports and in public spaces. Governments have a duty to empower and protect LGBTI children, and child protection services, children's ombudspersons and the police should make particular efforts to include LGBTI children in their outreach.

In May, the Commissioner made a general assessment of the situation of LGBTI people in his keynote address at the 2<sup>nd</sup> IDAHO Forum on responses to homophobia and transphobia in Valletta, Malta. He highlighted the obstacles LGBTI persons encounter in their enjoyment of the rights to expression, assembly and association and stressed the right of children to access objective information about sexuality and gender diversity. Further progress is necessary in the legal recognition of trans persons and the protection of intersex people's human rights in healthcare settings. The Commissioner stressed the importance of monitoring the human rights situation of LGBTI persons and outlined the current responses of the Council of Europe with reference to the implementation of the 2010 Committee of Ministers Recommendation on the topic.

The human rights of LGBTI persons were a topic during several country visits. In the report on Georgia, the Commissioner urged the authorities and community leaders to send an unambiguous message in favour of tolerance of LGBTI people and against violence, hate speech, and discrimination. In his report on Montenegro, the Commissioner highlighted awareness-raising and educational activities in combating homophobia and transphobia and the need to effectively investigate all reported cases of violence. During the visit to France, an upsurge in homophobic rhetoric was identified as a serious concern. In 2014, the Commissioner also paid attention to the vulnerable situation of human rights defenders who worked to protect LGBTI persons.

## **2.9 Human rights of Roma**

In 2014, the human rights of Roma remained a topic in the Commissioner's thematic and country monitoring and awareness raising activities. The issues covered included: combating anti-Gypsyism and anti-Roma hate speech and crime; Roma children's access to inclusive, non-segregated education; forced evictions and housing segregation; statelessness; the impact of poverty on the enjoyment of human rights; and the situation of abandoned and homeless children and children placed in institutions, among whom Roma children are often over-represented. The Commissioner raised Roma-related issues during his visits to Montenegro, Romania, Hungary and France.

On the occasion of International Human Rights Day (10 December 2014), the Commissioner published a statement entitled "*Roma inclusion is mission possible*", in which he pointed out that despite persisting challenges Roma inclusion was achievable with the necessary political will. He stressed that forced evictions of Roma without adequate housing alternatives resulted in both human rights violations and social exclusion, as they prevented any form of integration, sustainable access to health and social care and often deprived children of their right to education. Coupled with stigmatisation, hate speech and sometimes hate crime, such practices lead to the pervasive social exclusion of Roma populations throughout Europe. The situation could, however, be reversed if national and local authorities strived to foster a more positive image of the Roma and to develop long-term, Roma-led initiatives. In this context, the Commissioner referred to his December visit to informal and municipality-run settlements for Roma in Strasbourg (see the Chapter on country visits above), where improvements to the situation of Roma have been made even if the overall integration process remained slow.

## **2.10 Gender equality**

The Commissioner's thematic work in 2014 had a strong focus on gender equality and women's rights. This subject was also raised during the Commissioner's visit to Armenia.

In a Human Rights Comment published on 29 July, the Commissioner welcomed the entry into force on 1 August of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). He called on all member states of the Council of Europe to ratify this landmark treaty, as it addresses all forms of violence against women (either in the context of domestic violence or through stalking, sexual harassment, sexual violence and rape, forced marriage, female genital mutilation and forced abortion and sterilisation), clearly spells out the state obligation to prevent violence, protect victims and punish the perpetrators, and offers a holistic set of measures to take action where it is needed.

Sex-selective abortions were the focus of another Human Rights Comment published on 15 January, in which the Commissioner drew attention to the skewed sex ratios at birth documented in a number of countries, widely believed to result from selective abortions of female fetuses. The Commissioner underlined that irrespective of one's choice to view the problem either as violence against the foetus or the woman, sex-selective abortion is a clear case of discrimination with strong elements of physical and psychological violence, which must be vigorously countered and banned in law. In addition to legislation, the Commissioner stressed that governments and civil society should collect reliable data; develop guidelines on the ethical use of the relevant technologies; adopt support measures for girls and women; and address the root causes of the inequalities that drive sex-selection. The Commissioner also addressed the need to prevent pre-natal sex-selection during his visit to Armenia.

To mark International Women's Day, the Commissioner published a Human Rights Comment on 6 March calling for hate speech against women to be specifically tackled. Against a background of proliferating hate speech, notably on the Internet, with daily calls for violence against women and threats of murder, sexual assault or rape, the Commissioner urged member states to prohibit by law any advocacy of gender hatred that constituted incitement to discrimination, hostility or violence. The Commissioner stressed that political and opinion leaders in Europe should send a signal to the public which clearly shows that violent discourse against women has no place in a democratic society and will not be tolerated.

On 10 July the Commissioner published a Human Rights Comment on the impact of the economic crisis on women's rights in which he stressed that the crisis had exacerbated pre-existing inequalities between men and women and jeopardised the progress achieved in the field of gender equality. Noting the increasing feminisation of poverty, the Commissioner regretted that austerity measures adopted in many European countries, including cuts in public sector jobs and salaries and in the welfare system, have had a disproportionately negative impact on the enjoyment of social and economic rights by women. Programmes promoting gender equality have also been affected by cuts. The Commissioner recommended gender-sensitive policies as a response to the economic crisis by applying a gender perspective during the budgetary process; ensuring that all women can rely on social protection floors; assessing the impact of austerity measures on gender equality; and ensuring the active participation of women in recovery policies.

## **2.11 Combating racism and intolerance**

The visible increase of racism and intolerance in Europe continued to be a major concern for the Commissioner in 2014. The Commissioner focused on antisemitism, hate speech and violence against ethnic and religious minorities, including Roma and Muslims, and racism faced by migrants.

On 23 January the Commissioner published a Human Rights Comment on antisemitism pointing out with concern that more than 70 years after the Holocaust, antisemitism was growing in Europe. The Commissioner underlined that state authorities must guard themselves against the trivialisation of antisemitic manifestations and stressed that antisemitism has served and still serves as a pretext and justification for discrimination and the use of violence. He highlighted the importance for national authorities to intensify their efforts to fight ignorance and intolerance within current and future generations through systematic, on-going education, which should include accurate teaching of the Holocaust.

In his presentation at the World Forum for Democracy in November, the Commissioner warned against the spreading of Neo-Nazi ideology and its manifestations not only on the streets and in parliaments, but also on the Internet. Urgent action is necessary to respond to the escalation of antisemitism in Europe. In particular, extremist, racist parties should not be tolerated and proportionate measures, including banning, should be taken against them. Antisemitism was also addressed by the Commissioner during his visits to Hungary and France.

The Commissioner expressed concern at the consistent targeting of Roma by extremist groups and the increased frequency of violent anti-Roma events in Europe, including in the Czech Republic, Hungary and Romania. He stressed that all instances of hate speech and crime, including those committed by law

enforcement officers, should be recorded and effectively sanctioned, while measures should be taken to prevent the recurrence of hate crime. The Commissioner also observed that migrant Roma are often victims of intolerance and subject to harsh measures, including frequent forced evictions.

On several occasions, the Commissioner expressed concern at the upsurge of stigmatising speech against Muslims, or persons perceived as being Muslims, in public debate. The dissemination of anti-Muslim hatred through social media is a particularly worrying development. The Commissioner stressed that the legal framework which makes it possible to sanction hate speech and violence needs to be complemented by preventive and awareness-raising measures, particularly aimed at Internet users.

The Commissioner also raised concerns about the rising wave of racist manifestations against migrants. In a lecture delivered in March at the University College in London, he looked into the problems of racism and prejudice affecting migrants originating from European countries, including those from the Western Balkans and the new EU member states. In November, at the EU Fundamental Rights Conference in Rome, the Commissioner called on politicians to refrain from stigmatising rhetoric aimed at migrants.

## **2.12 Systematic implementation of human rights**

The year 2014 marked important progress for the systematic implementation of national human rights action plans. On 27 and 28 March, the Commissioner's Office organised a workshop in Strasbourg to take stock of current initiatives in this area. Over fifteen countries in Europe have already adopted comprehensive action plans seeking to address a broad range of human rights in a coherent manner. National action plans have proved to be useful tools for clarifying the authorities' responsibilities and for identifying and addressing gaps in human rights protection with reference to European and international human rights standards. The workshop encouraged the development of new action plans and was attended by 27 invited participants from public administration, national human rights structures, civil society and international organisations.

The workshop examined good practices in collecting data for the evidence base of action plans and highlighted inclusive and participatory approaches in their development and implementation. Multi-level coordination, connections between comprehensive and specialised action plans, and links with European and international monitoring mechanisms were also discussed. In addition, attention was devoted to the coordination of action plans with the budgetary process and the evaluation of their impact.

The workshop concluded that the benefits of the inclusive and participatory process of developing and implementing national action plans for human rights have already been vindicated. Human rights work has been made systematic and more efficient through action plans and their coordination mechanisms bringing the different duty bearers together. More efforts are needed to assess and measure the progress made in outcomes. The ultimate test of an action plan is whether it has had positive effects on the enjoyment of human rights. A thematic web-page on national action plans was made available on the Commissioner's website after the workshop.

The Commissioner also discussed the implementation of human rights action plans during his visits to Armenia, Georgia, and the Netherlands. In addition, he promoted the development of a human rights action plan during his visits to Ukraine. With this aim in mind, the Commissioner's Office and the UN OHCHR co-organised a stakeholder meeting in Kyiv on 1 December. The event supported Ukraine's efforts to draft a national strategy on human rights and to develop a subsequent action plan. It brought together 80 participants representing government agencies, the Ombudsperson, civil society, experts and international organisations. Following a presentation of the Ukrainian draft national strategy on human rights, the participants discussed relevant experience from other countries and the role of national human rights institutions and civil society in this process while outlining further steps for developing a national action plan.

The systematic implementation of human rights at the local and regional level was the subject of the Commissioner's address to the 26<sup>th</sup> session of the Council of Europe Congress of Local and Regional Authorities in March. The Commissioner pointed out that all levels of governance are responsible for the

realisation of fundamental rights which necessitates close co-operation and coordination between the different authorities. Municipalities and regions have a unique opportunity to coordinate the broad range of services provided to their residents in a rights-based and person-centred way. The Commissioner stressed that recognising members of local communities as holders of rights and striving to meet their individual needs through systematic and coordinated efforts lies at the heart of the effective fulfilment of human rights.

### **2.13 Statelessness**

Statelessness, particularly among children, remained high on the agenda of the Commissioner in 2014. In addition to raising this issue during his visits to Montenegro, Romania, the Netherlands and Hungary, the Commissioner took part in two international events devoted to statelessness.

In April, the Commissioner delivered a keynote address to a conference on the protection of stateless persons in Europe organised by the UNHCR and the European Network on Statelessness. The Commissioner focused in particular on statelessness affecting children which should be prevented by ensuring that all children acquire a nationality at birth as prescribed by the UN Convention on the Rights of the Child. With political will, the problem of statelessness would gradually be overcome. The Commissioner recommended the adoption of formal statelessness determination procedures in order to ensure a better protection of the rights of stateless persons. He also stressed the risks of statelessness to which migrants, notably those fleeing Syria, are exposed, including children born on the way to a safe country of refuge.

The Commissioner reiterated these messages in September on the occasion of the First Global Forum on Statelessness in The Hague. He strongly encouraged member states which have not yet done so to ratify the 1954 UN Convention on the Protection of Stateless Persons, the 1961 UN Convention on the Reduction of Statelessness and the Council of Europe Conventions on Nationality and Avoidance of Statelessness in Relation to State Succession. The Commissioner also supported the commitment expressed by national human rights institutions to become more involved in solving statelessness-related problems.

### **2.14 Transitional justice**

In 2014, the Commissioner pursued his work on transitional justice. The fight against impunity for serious human rights violations, including enforced disappearances, effective and adequate access to reparations, the situation of refugees and displaced persons, institutional reforms, statelessness and truth-seeking were among the major issues covered in this area. The subject was raised during the Commissioner's visits to Montenegro and Ukraine.

On 28 August, the Commissioner published a Human Rights Comment on missing persons to mark the International Day of the Victims of Enforced Disappearance (30 August). Thousands of people in Europe remain missing decades after the demise of dictatorships and the end of armed conflicts. The Commissioner underlined that the lack of political will, limited national capacity in this context including the lack of qualified forensic experts in the countries concerned, and the lack of co-operation between former rival parties are among the reasons for the slow progress in establishing the fate of missing persons in Europe. Moreover, human rights defenders and lawyers working on enforced disappearances are often the targets of threats, intimidation and reprisals. The Commissioner also highlighted patterns of impunity in the use of amnesty laws to preclude investigations into crimes of enforced disappearances.

In November, the Commissioner made a keynote address in Belfast at a conference on transitional justice organised by the Transitional Justice Institute of Ulster University. He pointed out that in dealing with the past, durable solutions cannot be achieved unless they are based on the pillars of justice, reparations, truth, and guarantees of non-recurrence. States are under a clear legal obligation to carry out effective investigations into serious human rights violations, to hold perpetrators to account, and to provide effective remedy to the victims. Investigations into violations committed by law-enforcement authorities should adhere to the major principles for effective investigations developed in the case-law of the

European Court of Human Rights: independence; adequacy; promptness; public scrutiny; and victim involvement.

The Commissioner highlighted that it is only through open dialogue, knowledge of the truth – including through adequate teaching of history – and deep reflection that post-conflict societies may attain the social cohesion needed to preserve their inherent, valuable pluralism. In addition, institutional reforms, including that of the justice system, and the setting up of efficient and independent national human rights structures are necessary to prevent repetition of past events and attain sustainable peace and security. Finally, transitional justice mechanisms must draw upon and be rooted in the human rights principles enshrined in the Convention, as interpreted authoritatively by the European Court of Human Rights.

In May, the Commissioner's Office participated in a regional consultation on transitional justice for Europe and North America in Berlin, convened by the UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, and hosted by the German Federal Foreign Office.

## **2.15 Conduct of law enforcement officials**

The Commissioner continued to pay attention to problems in the conduct of law enforcement officials, especially the police. On 25 February, the Commissioner published a Human Rights Comment on police abuse pointing out that police misconduct in Europe has taken a variety of forms, including excessive use of force during demonstrations and apprehensions, ill-treatment of persons in police custody, and violence targeting minorities. Such forms of abuse undermine public trust in the state, social cohesion, and effective law enforcement which depends on a harmonious relationship between the police and local communities.

The Commissioner stressed the need to combat impunity for those responsible for such violations to ensure that victims receive justice, future misconduct by law enforcement officials is deterred, and that public trust in law enforcement authorities is strengthened. He recommended the establishment of independent police complaints mechanisms, the development of clear guidelines concerning the proportionate use of force by the police and the diligent implementation of the European Code of Police Ethics.

Police misconduct and accountability were raised during visits to Armenia, Georgia and Ukraine and in the Commissioner's media interventions related to Spain and Turkey.

## **2.16 Human rights and national security services**

The human rights compliance of national security services was a theme explored by the Commissioner in 2014. In January the Commissioner convened an expert meeting on national security services and human rights, which aimed to identify specific issues for further action. The discussions focused on democratic oversight of national security services, access to effective remedies by victims of unlawful actions perpetrated by security services and the protection of whistle-blowers. The experts stressed the need to consolidate existing standards on democratic oversight of national security services by highlighting principles and setting objectives to be achieved in this field.

With regard to access to effective remedies, the participants underlined the existence of extensive case-law from the European Court of Human Rights concerning the obligation of states to effectively investigate alleged violations of Articles 2 and 3 of the European Convention on Human Rights, as well as the right to an effective remedy guaranteed by Article 13 of the Convention. The effective implementation of these provisions in cases related to national security services operations could be assessed by the Commissioner in his country work. Concerning whistle-blowers, the experts considered that the protection of whistle-blowers denouncing human rights violations perpetrated by national security services had not been sufficiently addressed at European level, and that particular attention should be paid to the public interest nature of information related to national security disclosed by whistle-blowers.

The democratic oversight of security and intelligence services was also raised during the Commissioner's visit to the Netherlands.

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

In 2014, the Commissioner continued to raise issues concerning the situation of human rights defenders, their work, and the environment in which they operate. During his country work, the Commissioner addressed, for example, restrictions and obstacles impeding 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.

Human rights organisations and defenders are primary partners of the Commissioner. When civil society human rights actors cannot perform their work, this also has an impact upon the action of the Commissioner and the implementation of human rights obligations more generally.

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

2014 was marked by an unprecedented crackdown on human rights organisations and defenders in Azerbaijan, which gained momentum during the country's chairmanship of the Council of Europe. Many of the organisations and persons affected are long-time partners of the Commissioner and his Office.

In his Observations on Azerbaijan published in April, the Commissioner expressed concern about the additional restrictions upon the activities of non-governmental organisations introduced by law in February. He stressed that this new law worsened a situation in which NGO activities were already disproportionately restricted, and urged the authorities to alleviate the burden upon NGOs, rather than encumber them further with administrative requirements. The Commissioner stressed that less restrictive legislation would enable NGOs to pursue their public watchdog function in an environment more conducive to their work. He also expressed concerns about the arrest of Anar Mammadli (Election Monitoring and Democracy Studies Center), who has been placed under investigation for illegal business, tax evasion and abuse of power. These investigations appeared to be linked to the problems of registration faced by his organisation.

On 7 August, the Commissioner published a statement expressing concern over the situation of human rights defenders in Azerbaijan. The statement was prompted by the arrest of Rasul Jafarov (Human Rights Club) and the travel ban imposed on Emin Huseynov (Institute for Reporters' Freedom and Safety), which the Commissioner said provided yet another illustration of how human rights defenders in Azerbaijan were being systematically threatened with an instrumentalised use of criminal suits. These cases followed the arrests of Leyla Yunus (Institute for Peace and Democracy) and her husband, as well as a long list of arrests of other activists who are now silenced in detention. The Commissioner stressed that by stifling dissent, Azerbaijan was failing to comply with its international obligations which require safeguarding freedom of expression, assembly and association. He called on the authorities to reverse the situation and, as a first step, to free all those who have been detained because of the views they expressed.

In view of the arrest and detention over the summer of some key civil society partners of his Office, the Commissioner conducted a visit to Azerbaijan in October. He urged the authorities to stop reprisals against human rights defenders. The Commissioner found that the arrests and detention were linked to the shortcomings in the NGO legislation and the way it was being applied. He highlighted that those who have made good faith attempts to have their organisations or grants registered, without success, should not be punished. During his visit, the Commissioner visited human rights defenders in detention, including Leyla Yunus, Intigam Aliyev (Legal Education Society), Anar Mammadli and Rasul Jafarov, as well as an activist in hiding, Emin Huseynov.

The Commissioner noted with concern the increasingly challenging environment in which human rights defenders carry out their work in the Russian Federation. A number of organisations have been included in the register of 'foreign agents' against their will and inspections have continued. When he was in Moscow in September, the Commissioner discussed issues related to the situation of human rights defenders in light of the implementation of the legislation on "foreign agents", on the basis of his Opinion on the legislation of the Russian Federation on non-commercial organisations in light of Council of Europe standards. The recently-adopted amendments introducing changes to the legislation on non-commercial organisations pertaining to registration as a "foreign agent" have not addressed the main concerns set out in the above-mentioned Opinion. The Commissioner continued to advocate a comprehensive revision of the current legislation regulating the activities of NGOs with a view to bringing it in line with the provisions of the European Convention on Human Rights and the case-law of the European Court of Human Rights.

Following his visit to Ukraine in February and his September mission to Kyiv, Moscow and Crimea, the Commissioner found that the on-going crisis and conflict presented major challenges to the work of human rights defenders on the ground. Instances of intimidation, harassment, or threats against human rights defenders were regularly reported to the Commissioner over the year. The Commissioner reiterated his long-standing recommendation about the need to promote safe and favourable conditions for the work of human rights NGOs and to provide them with protection, in line with international standards. He also emphasised that an open and meaningful dialogue between the authorities and civil society organisations, including human rights NGOs, is of critical importance for the de-escalation of tensions, as well as averting and minimising harm in times of crisis.

The Commissioner also expressed concern over the situation of NGOs in Hungary in a letter he wrote to the Hungarian Prime Minister's Office following his visit to Hungary in July (see Section 1.4 above). The Commissioner's concerns related to both the stigmatising rhetoric used against NGOs promoting human rights and democracy and the carrying out of audits targeting NGOs beneficiaries of the Norwegian Civil Fund. He warned against imposing additional administrative requirements on a selected number of NGOs and called on the Hungarian authorities to ensure an enabling environment for NGOs.

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

### **3.2 Launch of OSCE/ODIHR Guidelines on the protection of human rights defenders**

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

### **3.3 Fifth inter-mechanisms meeting on the protection of human rights defenders**

On 12 and 13 November, the Office participated in the fifth inter-mechanisms meeting on the protection of human rights defenders, which took place in Paris. The meeting was hosted by the International Organisation of la Francophonie (OIF) and convened by the UN Special Rapporteur on the situation of human rights defenders, Mr Michel Forst. Other participants included representatives from the UN, the African Commission on Human and Peoples Rights, the Inter-American Commission on Human Rights, the OSCE/ODIHR, the European Union, as well as international NGOs.

Participants reflected on ways to enhance co-operation and co-ordination between inter-governmental mechanisms relating to human rights defenders and enhancing the follow-up of individual communications and recommendations from country visits. They also discussed good practices and strategies in tackling the issue of arbitrary detention of human rights defenders, with a focus on certain representative cases. There was also an exchange of views about the problem of impunity for violations against human rights defenders, as well as about NGO access to funding - including foreign funding - an area where restrictions are intensifying.

## **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. The Commissioner meets with representatives of NHRs during his country visits and in Strasbourg to discuss human rights concerns. Information provided by NHRs is regularly used in the preparation of country visits and referred to in the reports following them.

In 2014, particular attention was given to developing thematic co-operation platforms with NHRs and their European networks together with other sectors of the Council of Europe and the EU Agency for Fundamental Rights. The thematic priorities include migration and asylum, hate crime, economic and social rights, and Roma. The European Network of NHRs (ENNHRI) and the European Network of Equality Bodies (Equinet) participate in the platforms' activities. In addition to timely information exchanges, the reinforced co-operation with NHRs is aimed at coordinating responses to shared problems, connecting national and European human rights agendas, and supporting the work of NHRs.

In October, the Commissioner addressed the second international symposium on Ombudsman institutions in Ankara, hosted by the Turkish Ombudsman. In his speech, the Commissioner outlined the positive impacts of his co-operation with national ombudspersons.

In March, the Commissioner's Office participated in the 27<sup>th</sup> session of the International Coordinating Committee of National Human Rights Institutions (NHRIs) and a meeting of the ENNHRI in Geneva. In July, the Office made a presentation at an international workshop in Minsk on the establishment and functioning of NHRs, organised by the Council of Europe in partnership with the Belarusian Ministry of Foreign Affairs and the UN. In September, the Office participated in a European Regional Conference of the International Ombudsman Institute, hosted by the Estonian Chancellor of Justice in Tallinn. The representative of the Office addressed the meeting on behalf of the Commissioner, highlighting the ombudsperson's functions in bridging human rights, the rule of law and democracy.

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

### **5.1 European Union**

The Commissioner met frequently with the EU Commissioner responsible for enlargement and European neighbourhood policy, Stefan Füle. During their meetings in January, February, April and June, the Commissioners discussed human rights issues in EU enlargement and European neighbourhood policy

countries. Regular contacts were also maintained with the EU Special Representative for Human Rights, Stavros Lambridinis, to exchange information on respective country visits.

In November, the Commissioner met with the Director of the EU Agency for Fundamental Rights (FRA), Morten Kjaerum. The discussions focused on migration and asylum while information was exchanged on respective priorities and projects of mutual interest.

In November, the Commissioner addressed the EU Fundamental Rights Conference “Fundamental rights and migration to the EU”, organised by the FRA and the Italian Presidency of the EU Council in Rome. The Commissioner highlighted migrants’ vulnerability to violations of their human rights and called for a paradigm shift in the European approach to migration to ensure migrants’ integration and empowerment. In April, the Commissioner’s Office participated in a seminar on combating hate crime, organised by the FRA and the Hellenic Presidency of the EU Council in Thessaloniki.

Information on human rights was regularly exchanged with relevant Commission services, the European External Action Service and the FRA. Major themes covered included access to justice, the asylum system, the human rights of vulnerable groups and non-discrimination.

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

In February, the Commissioner held an exchange of views with the Permanent Council of the OSCE in Vienna. In his speech, the Commissioner outlined major trends concerning human rights in Europe based on his analysis of the situation since the beginning of his mandate.

In September, the Commissioner met with the OSCE High Commissioner on National Minorities, Astrid Thors, in The Hague and discussed with her the situation in Crimea. The Commissioner also maintained regular contacts with the OSCE Special Representative on Freedom of the Media, Dunja Mijatović.

In June, the Commissioner addressed a Conference on the OSCE and human rights defenders organised by the Swiss OSCE Chairmanship and the OSCE Office for Democratic Institutions and Human Rights in Bern. He gave an overview of the challenges faced by human rights defenders in Europe including the shrinking space for civil society activism in a number of countries.

The Commissioner met with OSCE field missions during his country visits. Co-operation in the field was particularly active during his visits to Ukraine.

## **5.3 United Nations**

The Commissioner visited UN institutions in Geneva in June. He met with the UN High Commissioner for Human Rights, Navanethem Pillay. The discussion focused on human rights situation in a number of countries, internet surveillance and the democratic oversight of security services.

The Commissioner’s meeting with the Director General of the International Labour Organization, Guy Ryder, referred to the observance of ILO labour standards and the implementation of social protection floors during the economic crisis. Responses to youth unemployment and the availability of data on child labour in Europe were also covered.

A meeting with the UNHCR Director of International Protection, Volker Turk, related to the situation of Syrian refugees, internally displaced persons and alternatives to the detention of child migrants.

The Commissioner maintained regular contacts with UN Special Rapporteurs and the UNHCR Representation in Strasbourg.

Co-operation with UN institutions in the field was especially intense in Ukraine in the context of the Commissioner’s frequent visits to the country. On 1 December, the Commissioner’s Office and the

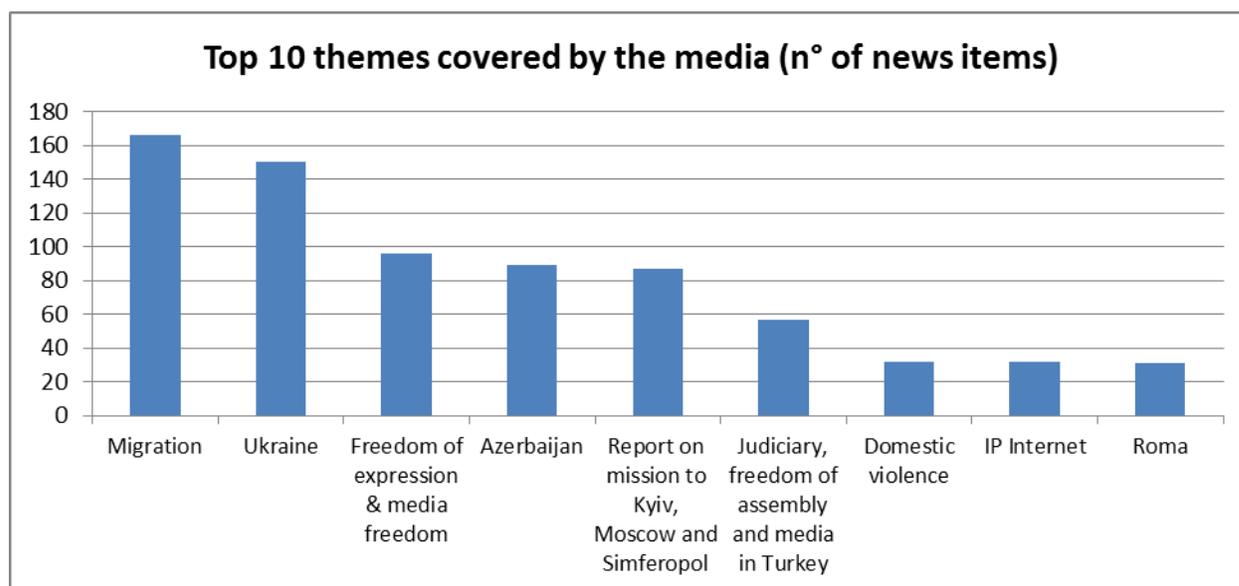
OHCHR also jointly organised a meeting in Kyiv on the development of a national human rights action plan in Ukraine.

In September, the Commissioner took part in the First Global Forum on Statelessness, convened in The Hague by UNHCR and the University of Tilburg. In December, the Office contributed to the annual co-ordination meeting between the OHCHR and the Council of Europe Secretariats in Geneva.

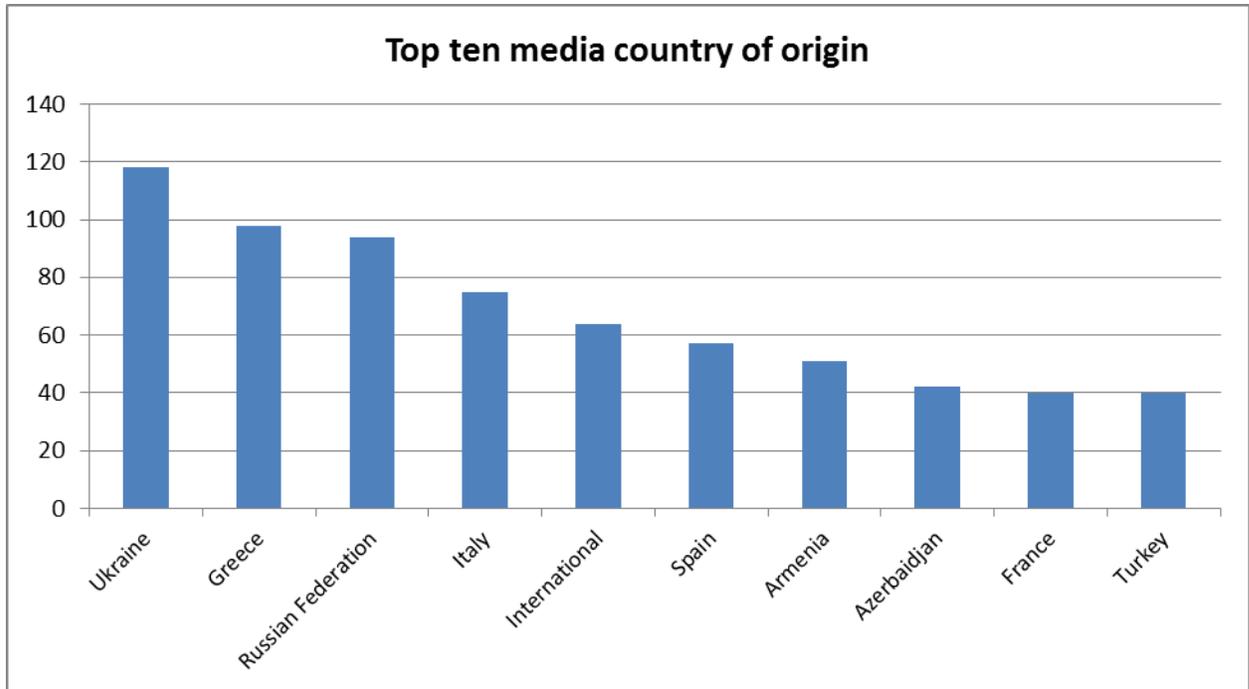
## 6. Communication and information work

2014 has been a very successful year in terms of communication output and visibility. More than 1 000 news pieces have been published by the media of over 50 countries, relating in large part to the 108 interviews given by the Commissioner, eight opinion editorials, 42 press releases, 14 Human Rights Comments, one issue paper, 17 statements and 279 tweets which contributed to generate media attention and social media interaction.

Among the most widely covered issues were the Commissioner's comments on migration and his work in Ukraine and Azerbaijan, as well as media freedom, freedom of expression, domestic violence, the rule of law on the Internet, and the human rights of Roma.



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.



### *Opinion Editorials*

The eight opinion editorials concerned:

- Eastern Ukraine (*Open Democracy*, 17/12/2014),
- Legalisation of push-backs in Ceuta and Melilla (*Huffington Post*, 10/12/2014),
- Press Freedom (*The Regent's Report* 2014, 25/11/2014 and several other media on 02/05/2014),
- Migration (*New Europe*, 30/09/2014),
- Anti-terrorism and human rights (*New Europe*, 31/07/2014),
- Defamation in Italy (*Il Corriere della Sera*, 08/06/2014),
- The independence of the judiciary (*Open Democracy*, 20/02/2014).

### *Improvements*

New communications tools - such as the infographics and e-books - have been developed to increase the visibility of the Commissioner's documents. So far, three infographics have been produced: two for the reports on the Netherlands and Hungary, and one for the Issue Paper on the Rule of law on the Internet, which has also been published as an e-book.

### *Human Rights Comments*

The following Human Rights Comments were published in 2014:

- Protecting Children's Rights: Europe should do more (18 November)
- Preserving Europe's social model (13 October)
- LGBTI children have the right to safety and equality (02 October)
- Missing persons in Europe: the truth is yet to be told (28 August)
- Maintain universal access to health care (07 August)
- Fighting violence against women must become a top priority (29 July)
- Protect women's rights during the crisis (10 July)
- Youth human rights at risk during the crisis (06 March)
- A boy or a girl or a person – intersex people lack recognition in Europe (09 May)
- Protecting children's rights in the digital world: an ever-growing challenge (29 April)

- Hate speech against women should be specifically tackled (06 March)
- Police abuse – a serious threat to the rule of law (25 February)
- Sex-selective abortions are discriminatory and should be banned (15 January)
- Europe still haunted by anti-Semitism (23 January)

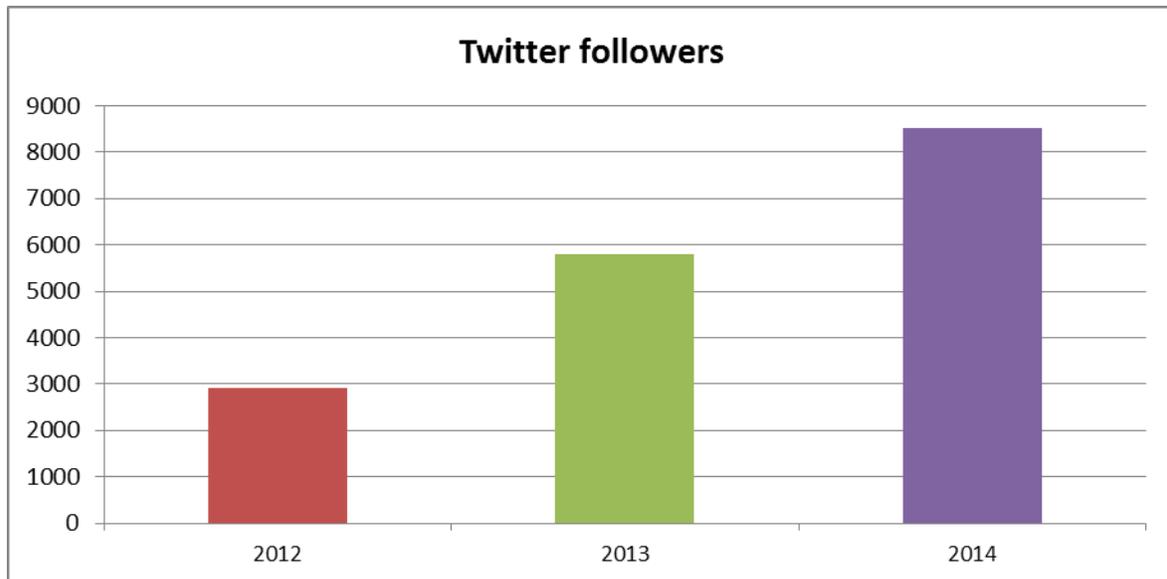
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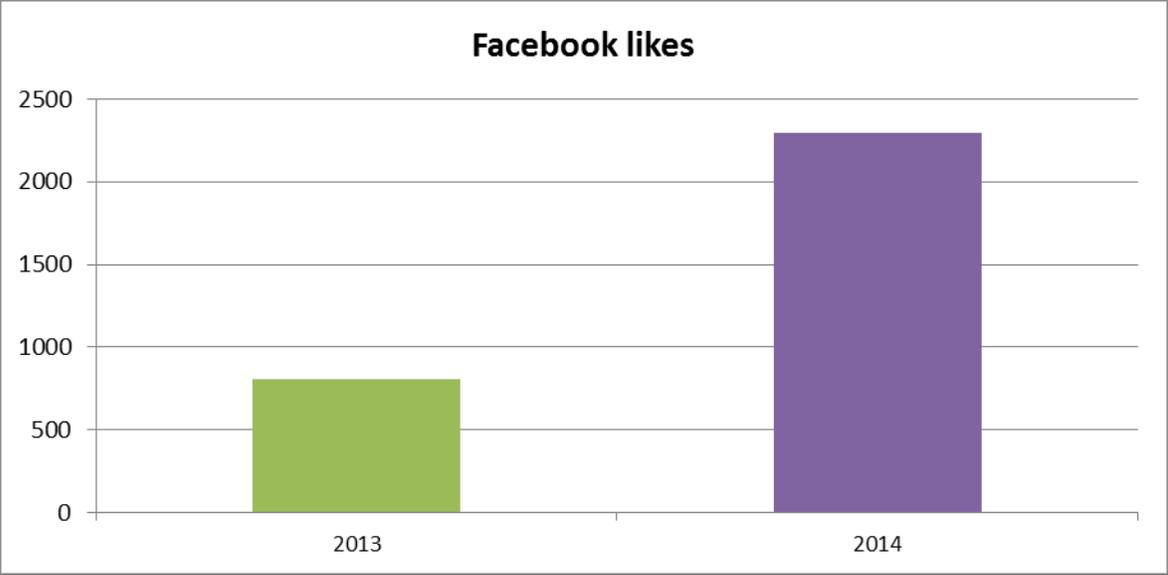
While the number of visits (111 000) and unique visitors (69 000) of the website decreased compared to 2013, there has been an increase in the number of page views (+ 9 000), which is indicative of more qualitative surfing on our website.

*Social Media*

The presence and interaction on social media made a huge leap forward. The number of Twitter followers increased by 46%, reaching 8 508 people by the end of the year. This represents a monthly average increase of 291 followers (the monthly increase in 2013 averaged 236).

The Facebook page also continued to increase in popularity, as shown by the 157% increase in likes compared to 2013.





## **7. Staff and Budget**

In 2014, 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 3 temporary staff. The ordinary overall budget appropriations were of €3,136,200.

In 2014, the Commissioner benefited from a total amount of € 40,000 in voluntary contributions from the government of Germany. The Commissioner expresses his sincere gratitude for the voluntary contribution given by this member state.

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 2016-17. The Commissioner believes that once this level has been reached, it will constitute a maximum not to be exceeded in order that the Office may maintain the fluidity and flexibility of its functioning.

# Appendix 1

## List of Office Activities in 2014

### A. Visits and reports

In 2014 the following country visits, missions and contact visits were carried out:

20 to 25 January	Georgia
5 to 10 February	Ukraine
3 to 5 March	London and Oxford, United Kingdom
13 to 14 March	Italy
17 to 20 March	Montenegro
31 March to 4 April	Romania
13 to 15 May	Malta
20 to 22 May	The Netherlands
16 to 19 June	Ukraine
1 to 4 July	Hungary
7 to 12 September	Kyiv, Moscow and Crimea
22 to 26 September	France
6 to 10 October	Armenia
19 to 22 October	Turkey
22 to 24 October	Azerbaijan
5 to 6 November	Northern Ireland, United Kingdom
1 to 5 December	Ukraine
9 December	Strasbourg

In 2014, the following country reports and letters were published:

#### *Greece*

- 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)2).
- Reply from the CoE Commissioner for Human Rights to Mr Miltiadis Varvitsiotis, Minister of Shipping and the Aegean on the lives lost at sea during the Farmakonisi incident (dated 14 February and published on 14 February) with reference CommDH(2014)6).

#### *Albania*

- Report by the CoE Commissioner for Human Rights following his visit to Albania from 23 to 27 September 2013. Issues reviewed: the administration of justice and the role of law enforcement authorities in the protection of human rights (published on 16 January with reference CommDH(2014)1).

#### *Ukraine*

- Report by the CoE Commissioner for Human Rights following his visit to Ukraine from 4 to 10 February 2014. Issues reviewed: policing of demonstrations and accountability for serious human rights violations and peaceful assemblies and access to justice (published on 7 March with reference CommDH(2014)7).
- Letter from the CoE Commissioner for Human Rights to Mr Arseniy Yatsenyuk, Prime Minister of Ukraine concerning the situation of internally displaced persons (dated 27 June and published on 17 July with reference CommDH(2014)15).

- Report by the CoE Commissioner for Human Rights following his mission in Kyiv, Moscow and Crimea, from 7 to 12 September 2014. Issues reviewed: overview of the main human rights issues discussed with various interlocutors in Ukraine and the Russian Federation (published on 27 October with reference CommDH(2014)19).

#### *Czech Republic*

- Letter from the CoE Commissioner for Human Rights to Mr Bohuslav Sobotka, Prime Minister of the Czech Republic concerning anti-Roma demonstrations (dated 28 February and published on 18 March with reference CommDH(2014)8).

#### *Denmark*

- Report by the CoE Commissioner for Human Rights following his visit to Denmark from 19 to 21 November 2013. Issues reviewed: human rights of asylum-seekers and immigrants and human rights of persons with disabilities (published on 24 March with reference CommDH(2014)4).

#### *Azerbaijan*

- Observations by the CoE Commissioner for Human Rights on the human rights situation in Azerbaijan: an update on freedom of expression, freedom of association, freedom of assembly, and the right to property (published on 23 April with reference CommDH(2014)10).

#### *Georgia*

- Report by the CoE Commissioner for Human Rights following his visit to Georgia from 20 to 25 January 2014. Issues reviewed: administration of justice, dealing with allegations of human rights abuses, tolerance and non-discrimination and ethnic and religious minorities (published on 12 May with reference CommDH(2014)9).

#### *Montenegro*

- Report by the CoE Commissioner for Human Rights following his visit to Montenegro from 17 to 20 March 2014. Issues reviewed: major issues pertaining to post-war justice and reconciliation, action against discrimination and freedom of the media (published on 23 June with reference CommDH(2014)13).

#### *Romania*

- Report by the CoE Commissioner for Human Rights following his visit to Romania from 31 March to 4 April 2014. Issues reviewed: human rights of persons with disabilities, human rights of the child and human rights of Roma (published on 8 July with reference CommDH(2014)14).

#### *Hungary*

- Letter from the CoE Commissioner for Human Rights to Mr János Lázár, Minister of the Prime Minister's Office concerning the situation of non-governmental organisations in Hungary (dated 9 July and published on 24 July with reference CommDH(2014)16).
- Report by the CoE Commissioner for Human Rights following his visit to Hungary from 1 to 4 July 2014. Issues reviewed: media freedom, the fight against intolerance and discrimination, and the human rights of immigrants, asylum seekers and refugees (published on 16 December with reference CommDH(2014)21).

#### *The Netherlands*

- Report by the CoE Commissioner for Human Rights following his visit to The Netherlands 20 to 22 May 2014. Issues reviewed: legal and institutional framework for the protection and promotion of human rights, the human rights of asylum seekers and immigrants and the human rights of children (published on 14 October with reference CommDH(2014)18).

### *Russian Federation*

- Report by the CoE Commissioner for Human Rights following his mission in Kyiv, Moscow and Crimea, from 7 to 12 September 2014. Issues reviewed: overview of the main human rights issues discussed with various interlocutors in Ukraine and the Russian Federation (published on 27 October with reference CommDH(2014)19).

## **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.

- Issue Paper on *The rule of law on the Internet and in the wider digital world*, December 2014.

## **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 2014, the Commissioner's Office organised or co-organised the following events:

- Expert brainstorming on “National Security Services and Human Rights” (Strasbourg, 15 January).
- Workshop on “Developing and implementing national action plans for human rights” (Strasbourg, 17-18 March).
- Meeting on “Developing a National Action Plan for Human Rights in Ukraine” co-organised by the United Nations Office of the High Commissioner for Human Rights and the Council of Europe Commissioner for Human Rights (Kyiv, 1 December).

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

The Commissioner or his Office participated in the following major events during 2014:

- NHRs cooperation meeting (Brussels, 20 January).
- EU Stakeholders Conference “An Open and Safe Europe – What Next?” (Brussels, 30 January).
- Joint Council of Europe-OSCE Conference “Not for sale – joining forces against trafficking in human beings”, organised on the occasion of the Austrian Chairmanship of the Council of Europe and the Swiss Chairmanship of the OSCE (Vienna, 17-18 February).
- European Network of Equality Bodies *Equinet* High-Level Legal Seminar on equality Law (Brussels, 19 February).
- Exchange of views with OSCE Permanent Council (Vienna, 27 February).
- Lecture “Refugee Protection, Migration and Human Rights in Europe: Notes from the field” at the Institute for Human Rights of University College London's Faculty of Laws (London, 4 March).

- Lecture “Migration and Human Rights: Trends and Priorities for Action” at the University of Oxford’s Centre on Migration, Policy and Society – COMPAS (Oxford, 5 March).
- Policy seminar on “Diversity Partnerships: Towards a Common Framework for Migrants and Minorities in Europe”, European University Institute, Global Governance Programme (Florence, 7 March).
- International Film Festival and Forum on Human Rights (FIFDH) panel discussion on “Precariousness and the raise of fascism in Europe” (Geneva, 11-12 March).
- 27<sup>th</sup> session of the International Coordinating Committee of NHRIs (Geneva, 12-14 March).
- International Conference “What Europe stands for” Chamber of Deputies of the Italian Parliament (Rome, 13-14 March).
- Public debate “EU Migration Policy: A Push Back for Migrants’ Rights in Greece?” organised by Platform for International Cooperation on Undocumented Migrants at the European Parliament on (Brussels, 20 March).
- 26<sup>th</sup> Session of the Congress plenary meeting on best practices for implementing human rights at the local and regional levels (Strasbourg, 25 March).
- European Network on Statelessness/UNHCR conference “Stateless but not Rightless: Improving the Protection of Stateless Persons in Europe” (Strasbourg, 8 April).
- Conference “Human Rights and Disability” co-organised by the Council of Europe and the Austrian Federal Ministry of Labour, Social Affairs and Consumer Protection (Vienna, 10-11 April).
- FIDH Seminar on Assessing Universal Human Rights Protection in Eastern European Grey Zones (Istanbul, 10-11 April).
- Video message for 2014 European Health Law Conference "Access to Health Care: Looking for a Legal Road Map" (Riga, 28-29 April).
- Seminar “How can EU Member states combat hate crime effectively? Encouraging reporting and improving recording” jointly organised by the European Union Agency for Fundamental Rights (FRA) and the Hellenic Presidency of the Council of the EU (Thessaloniki, 28 April).
- 2<sup>nd</sup> European IDAHO Forum (La Valletta, 13-14 May).
- Regional Consultation on Transitional Justice for Europe and North America, convened by the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, and hosted by the German Federal Foreign Office (Berlin, 14-15 May).
- Expert Meeting on the “Right to Protest” organised by Article 19 (London, 15-16 May).
- Conference “Child-friendly justice: what it means and how it is realized” organised by the University of Stockholm on the occasion of the 25<sup>th</sup> Anniversary of the adoption of the Convention on the Rights of the Child - UNCRC (Stockholm, 16 May).
- Conference “A Human Rights Approach to Tackling Poverty and Social Inequality: An All Island Perspective” organised by the Irish Human Rights and Equality Commission Designate and the Northern Ireland Human Rights Commission (Newry, 16 May).

- Council of Europe “Round Table on Safety of Journalists – From Commitment to Action” (Strasbourg, 19 May).
- Video message 13<sup>th</sup> Moldovan LGBT Pride Festival “Rainbow over the Dniester” (Chişinău, 13-18 May).
- 1<sup>st</sup> meeting of the European Committee for Social Cohesion, Human Dignity and Equality – CDDECS (Strasbourg, 3 June).
- 7<sup>th</sup> European Dialogue on Internet Governance – EuroDIG on “Digital society at stake – Europe and the future of the Internet” (Berlin, 10 June).
- Joint Conference “The OSCE and Human Rights Defenders: The Budapest Document 20 Years On” by the Swiss OSCE Chairmanship and the OSCE Office for Democratic Institutions and Human Rights – ODIHR (Bern, 10-11 June).
- European Network of Equality Bodies (Equinet) training event on LGBTI issues (Stockholm, 17-18 June).
- Video message for HELP Network Conference 2014 “From Good Training to Good Judgments: Challenges, Methodologies and Perspectives” (Strasbourg, 16-17 June).
- Conference “Boat Refugees and Migrants at Sea: A Comprehensive Approach Integrating Maritime Security with Human Rights” organised by the Refugee Law Initiative, University of London, and the Department of Law at Queen Mary University of London (London, 23-24 June).
- Summer School on Transitional Justice “Addressing Sexual Violence and Gender Harm: Addressing Enforcement, Essentialism, and Masculinities” organised by the Transitional Justice Institute of the University of Ulster (Belfast, 23-27 June).
- EUI Global Governance Programme Workshop “The Global Governance of Irregular Migration and Asylum: Universal Norms, Transnational Challenges, Regional Actors” (Florence, 30 June).
- Video message for 14<sup>th</sup> Annual Berlin Symposium on the Protection of Refugees, organised by Amnesty, UNHCR, the Protestant Academy of Berlin and Pro Asyl (Berlin, 30 June-1 July).
- International workshop “National human rights institutions: establishment and functioning” organised by the Council of Europe in partnership with the Belarusian Ministry of Foreign Affairs and the UN (Minsk, 18 July).
- Lecture to the ‘Journalism for Future Challenges’ media training programme, organised by the Stockholm School of Economics for Eastern Partnership countries (Riga, 21 August).
- Roundtable on Trans and Intersex (Douarnenez, 29 August).
- PACE hearing on violence against migrants (Paris, 9 September).
- 1<sup>st</sup> Global Forum on Statelessness, co-organised by UNHCR and the University of Tilburg (The Hague, 15 September).
- International Ombudsman Institute European Regional Conference “Ombudsman’s Role in a Democracy” hosted by the Estonian Chancellor of Justice (Tallinn, 17-19 September).
- Inaugural meeting of the co-operation platform between the Council of Europe, the EU Fundamental Rights Agency (FRA), the European Network of Equality Bodies (Equinet) and the

European Network of National Human Rights Institutions (ENNHRI) in the field of asylum and immigration (Vienna, 24 September).

- 12<sup>th</sup> Session of the Committee on the Rights of Persons with Disabilities (Geneva, 25-27 September).
- ENTRi Pre-Deployment Course for Ukraine (Pisa, 22-25 September).
- Conference "Migrants and refugees - then and now" organised by the Association of European Migration Institutions (Riga, 27 September).
- ILGA-Europe Annual Conference 2014 "MOVEment: Leading Sustainable Change" (Riga, 9-10 October).
- Conference "Contemporary Turkey at a Glance: Turkey transformed? Power, History, Culture" organised by Istanbul Bilgi University (Istanbul, 19 October).
- 2<sup>nd</sup> International symposium on Ombudsman institutions hosted by the Turkish Ombudsman Institution (Ankara, 21 October).
- European Network of Ombudspersons for Children (ENOC) Annual Conference "The impact of austerity and poverty on the realisation of children and young people's rights" (Edinburgh, 21-24 October).
- Conference "Urban violence: a new challenge for criminal justice systems" co-organised by the Council of Europe and the Ministry of Justice of Portugal, video message (Lisbon, 23-24 October).
- ELIAMEP Foundation for European and Foreign Policy conference on "Assessing the cost-effectiveness of irregular migration control practices in the Mediterranean" (Athens, 30 October).
- Seminar and inter-regional dialogue on the protection of journalists "Towards an effective framework of protection for the work of journalists and an end to impunity", organised jointly by the Council of Europe, UNESCO, the Centre for Freedom of the Media of the University of Sheffield and the European Lawyers Union (Strasbourg, 3 November).
- World Forum for Democracy (Strasbourg, 4 November).
- UNHCR's Campaign to End Statelessness in Ten Years (Geneva, 4 November).
- Conference "Transitional justice in the context of European convention obligations: the right to life and dealing with the past" organised by the Transitional Justice Institute of Ulster University (Belfast, 6 November).
- Fundamental Rights Conference "Fundamental rights and migration to the EU" organised by the Fundamental Rights Agency and the Italian Presidency of the Council of the European Union (Rome, 10 November).
- 13<sup>th</sup> Roundtable Meeting of European Governmental LGBT Focal Points Network (Rome, 9-10 November).
- 5<sup>th</sup> Strategic Meeting of Mechanisms and Programmes for the protection of Human Rights Defenders (Paris, 12-13 November).

- 1<sup>st</sup> meeting of the Committee of Experts on the Council of Europe Strategy for the Rights of the Child – DECS - ENF (Strasbourg, 13 November).
- 1<sup>st</sup> Regional conference of the Joint CoE/EU project “Promoting Human Rights and Minority Protection in South East Europe” (Skopje, 26-27 November).
- Public hearing “Employers’ sanctions: effective tool in reducing irregular migration or in reducing the labour rights of undocumented workers?” organised by the Platform for International Cooperation on Undocumented Migrants (PICUM) and the Association for Legal Intervention (Poland) at the European Parliament (Brussels, 2 December).
- European Commission - DG Enlargement and Office of the Council of Europe Commissioner for Human Rights 1<sup>st</sup> Joint Technical Meeting on the Western Balkans (Brussels, 2 December).
- Missing Children Europe Conference “Towards a coordinated strategic approach on missing unaccompanied migrant children” (4 December, Brussels).
- OHCHR-CoE 8<sup>th</sup> Coordination Meeting on Human Rights in Ukraine (Geneva, 5 December).
- European Data Governance Forum (Paris, 8 December).
- High Level Conference of European Expert Group (EEG) on Transition from Institutional to Community-based Care (Brussels, 10-11 December).
- Message of support for event commemorating 25 years of governmental LGBTI policy (Berlin, 10 December).