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1. Overview

Over the quarter under review, I was repeatedly struck by the various gaps in human rights protection at national and European level. These gaps tend to affect the most vulnerable people – persons who have been deprived of their legal capacity due to a mental or psychosocial disability and are unable to defend their rights, poor people who often cannot afford legal representation and court fees, victims of war crimes and their relatives, and others. Protection at the national level can be enhanced by ensuring access to independent, impartial and efficient judiciaries, as well as to well-functioning national human rights structures. However, a recent case before the European Court of Human Rights (the Court) revealed an important protection gap at the European level as well.

On 4 September I made my first third-party intervention before the Court in the case of *The Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*. The case concerns a person who was vulnerable on several levels – he had a severe intellectual disability, was of Roma origin and HIV positive. After spending his entire life in institutional care, he died at a psychiatric institution at the age of 18, apparently from malnutrition, cold and lack of care. He had no living relative, had not been assigned a legal guardian, and was thus left to get by on his own. Under a strict interpretation of the rules of standing, there would be no case – the victim is deceased, there are no relatives or legal guardian to continue to press for justice, and NGOs have thus far not been allowed to lodge applications on behalf of victims before the Court. No case would mean that similar violations could continue and affect others as well. This is a serious protection gap that should be remedied by granting NGOs legal standing in exceptional cases.

Another protection gap I raised in a human rights comment and media work involves the lack of accountability by many European governments for their complicity in human rights violations committed in the framework of the “extraordinary rendition” programme carried out by the CIA in Europe between 2002 and 2006. Very few cases have been brought to trial in European countries by victims of unlawful detention, ill treatment in CIA black sites, and other related violations of the rule of law. Thus far, only one case related to these violations - *El-Masri v. “the Former Yugoslav Republic of Macedonia”* – has been adjudicated in the Strasbourg Court. Some of the victims of these violations have no access to justice, as they were transported back to various third countries in Africa, Asia and the Middle East, where they have faced additional ill treatment. Others languish in Guantanamo – they have not been tried many years after their apprehension, but have not been released. While fully closing this protection gap would require the active co-operation of the United States, European governments can do much more to shed light on their own complicity in violations through effective investigations, punishing perpetrators and granting compensation to victims.

I have also sought to raise awareness about another category of victims whose cases continue to cry out for justice: victims of the war crimes that took place in connection with the dissolution of Yugoslavia. 20 years after the first of several wars in the region, there are still many families in anguish about missing relatives, many women afraid to come forward and report sexual violence, and many witnesses afraid to give testimony about perpetrators. On the occasion of a visit to Bosnia and Herzegovina to participate in the commemoration of the genocide at Srebrenica, I published a human rights comment

entitled “Justice and reconciliation long overdue in the Balkans” which received wide coverage in the region. Though much good work has been done to identify and reburial the remains of many of those slaughtered, more than 12,200 persons are still missing in the region. Failure to facilitate the search for and identification of the remains of victims on the part of some local authorities constitutes inhuman treatment of the victims’ families. Here, ensuring justice and closing the protection gap requires co-ordinated efforts on the part of local and national authorities, the governments of all the ex-Yugoslav countries and the continued support of the international community.

Impunity for misconduct by law enforcement officials, an issue I touched upon in my previous quarterly report, is also a serious protection gap that I examined in several country contexts. On a mission to Turkey in July and in a report on Azerbaijan published in August, I analysed the disproportionate force used by law enforcement officials against demonstrators and the lack of effective investigation thereof. On a visit to Albania in late September, one of the issues I raised was the follow-up given to my predecessor’s 2011 report on the fatal shootings of several demonstrators. In a report on the Republic of Moldova published in September, I also expressed concern about cases of torture and ill treatment implicating the public authorities, including police officers, during the April 2009 events. In all these cases, the authorities should do much more to investigate violations by law enforcement officials, involve the victims in the investigations, punish wrong-doers, and provide compensation and rehabilitation to victims.

In most of these country contexts, the picture I saw was a mixed one, as positive steps have also been taken to enhance human rights protection. For example, in Turkey, one result of earlier judicial reforms was the relatively low number of persons detained in the context of recent demonstrations. Moreover, the Constitutional Court has passed important judgments limiting the length of pre-trial detention and trials in terrorism-related cases. In the Republic of Moldova, the authorities are implementing an ambitious judicial reform strategy and a far-reaching National Human Rights Action Plan, while strengthening their national human rights structures.

2. Missions and Visits

Visit to Turkey

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

In the course of his visit, the Commissioner held discussions with representatives of the national authorities, including the Minister of Justice, Mr Sadullah Ergin; the Undersecretary of the Ministry of the Interior, Mr Seyfullah Hacımuftuoğlu; the Governor of Istanbul, Mr Hüseyin Avni Mutlu; the Chair of the Commission of Human Rights of the Turkish Grand National Assembly, Mr Ayhan Sefer Üstün; the Head of the National Delegation of Turkey to the Parliamentary Assembly of the Council of Europe, Ms Nursuna Memecan, and the President and members of the Constitutional Conciliation

Commission. He also met the President of the Constitutional Court of Turkey, Mr Haşim Kılıç, Turkey's Chief Ombudsman, Mr Nihat Ömeroğlu, and members of the Turkish Human Rights Institution. The Commissioner also held discussions with civil society organisations, including various professional associations and non-governmental organisations active in the field of protecting human rights, as well as academics and lawyers.

The Gezi Park events, which had started less than a month before the Commissioner's visit, and the ensuing demonstrations across Turkey, featured prominently during these discussions. The Commissioner noted with concern serious allegations of human rights violations committed by law enforcement personnel against demonstrators, backed up by witness accounts, photos, videos and forensic evidence. Most of these allegations concerned the improper use of tear gas. Members of the government and security forces considered however that the use of force had been proportionate in view of the actions of marginal groups hijacking the demonstrations, except for isolated incidents which were under investigation.

The Commissioner stressed that Turkey needed independent, impartial, adequate and effective investigations into all allegations of police misconduct, notably in order to re-establish trust in security forces. The case-law of the European Court of Human Rights demonstrated grave structural problems affecting such investigations, which Turkey needed to remedy by taking serious steps to improve transparency and accountability. The Commissioner stressed in particular that citizens could now turn to the newly established Turkish Ombudsman Office to seek redress for alleged violations and that this was a unique opportunity for this institution to establish its credibility in the eyes of the public.

The Commissioner also noted that members of certain professional groups, such as doctors, lawyers, academics, teachers, media professionals, expressed fear of intimidation, as well as of administrative and judicial measures against them as a result of their non-violent actions during the protests. The Commissioner urged the Turkish authorities to allay these fears as a matter of urgency and to ensure that any perception of reprisals was averted.

The Commissioner also drew attention to the Turkish legislation and practice regarding freedom of assembly which puts too much emphasis on the lawfulness of demonstrations, as opposed to their peacefulness, and therefore leads to unnecessary dispersals and findings of human rights violations in Strasbourg.

Finally, the Commissioner welcomed the fact that only a relatively small number of detention decisions had been taken in the context of the Gezi events, which suggested that recent reform efforts were starting to show some results. The Commissioner expressed his particular appreciation for two important judgments concerning lengthy detentions and judicial proceedings the Turkish Constitutional Court rendered during his visit, which had the potential of resolving two structural problems in the administration of justice in Turkey which have occupied the European Court of Human Rights and the Committee of Ministers for a long time.

The Commissioner's report following this visit is forthcoming.

Mission to Bosnia and Herzegovina

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

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

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

Visit to Albania

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

During the visit the Commissioner held meetings with national authorities, including the Deputy Prime Minister, Mr Niko Peleshi, the Minister of European Integration, Ms Klajda Gjoshaj, the Minister of the Interior, Mr Saimir Tahiri, the General State Advocate, Ms Ledina Mandia, the Minister of Justice, Mr Nasip Naço, the President of the Constitutional Court, Mr Bashkim Dedja, the Deputy Chairman of the High Council of

Justice, Mr Elvis Çefa, the Prosecutor General, Mr Adriatik Llalla and the Director of the School of Magistrates, Mr Neshat Fana.

The Commissioner also met with the Ombudsman, Mr Igli Totozani and the Commissioner for the Protection from Discrimination, Ms Irma Baraku. In Tirana, he also held meetings with representatives of international organisations and the diplomatic corps, as well as non-governmental organizations.

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

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

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

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

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

The Commissioner's report on this visit is forthcoming.

3. Reports and continuous dialogue

Commissioner's Opinion on the legislation of the Russian Federation on non-commercial organisations in light of Council of Europe standards

As a follow-up to his visits to the Russian Federation in October 2012 and April 2013, the Commissioner published on 15 July 2013 an Opinion on the legislation of the Russian Federation on non-commercial organisations in light of Council of Europe standards. This document summarises the Commissioner's concerns - which were previously expressed in his discussions with the Russian authorities – as to certain legislative amendments enacted in 2012 regulating the activities of non-commercial organisations, and clarifies his perspective on those provisions in light of Council of Europe standards.

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

The Commissioner welcomed the latest efforts undertaken by the Russian authorities with the aim of promoting the functioning of civil society in Russia, including through financial assistance. In view of this positive development, he encouraged the government to pursue a genuine dialogue with representatives of civil society and human rights institutions on the issues and concerns related to the NGO legislation and its implementation. Following this Opinion, the Commissioner intends to pursue his dialogue with the Russian authorities on these important issues, which he continues to follow closely.

Report on Azerbaijan

On 6 August, the Commissioner published a report following his visit to Azerbaijan from 22 to 24 May, focusing on the right to freedom of expression, notably through the Internet, the right to freedom of assembly and association, and the right to property.

The Commissioner stressed that releasing all persons who are in detention because of the views they hold and express should be a priority for the Azerbaijani authorities in order to protect freedom of expression. Recommending the full decriminalisation of defamation, the Commissioner regretted that the President of Azerbaijan had signed in June amendments aimed at facilitating the application of defamation provisions to online expression. Another concern related to the excessive damages which are sometimes awarded in civil defamation cases. The Commissioner urged the authorities to finalise the reform of the defamation legislation in order to repeal imprisonment and allow only proportionate fines. The Commissioner further underscored the need to strengthen the independence and impartiality of the courts, which appeared to be particularly severe in judging journalists and other media professionals.

The Commissioner also expressed concerns about recent restrictions to the exercise of fundamental freedoms online, as a wave of arrests and prosecutions, as well as surveillance activities, had targeted social media users. The Commissioner called upon the authorities to cease these practices and to refrain from restricting or controlling Internet access and information available via the web by legislative and technical means.

Concerns remained about the limitations imposed on freedom of assembly, notably the excessive use of force by law enforcement officials to disperse demonstrations and the requirement of authorisation to hold public gatherings. The Commissioner stressed that the authorities should refrain from using the force against peaceful demonstrators and should seek to facilitate and protect public assemblies at the organisers' preferred location. The Commissioner was also worried about the recent harshening of the fines and the use of administrative detention against those who organise or participate in "unauthorized" public gatherings and urged the authorities to ensure that no disproportionate sanction, which would undermine the fundamental right to peaceful assembly, is imposed.

A further reason of concern were the additional restrictions imposed on NGOs by recent amendments, as well as the tone of the political discourse which often stigmatises NGOs, in particular those receiving funds from abroad. The Commissioner called on the authorities to ensure full respect of the right to freedom of association, notably by alleviating the registration requirements and making the whole process, as well as the functioning of NGOs, less bureaucratic.

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

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

Report on the Republic of Moldova

On 30 September, the Commissioner published a report following his visit to the Republic of Moldova from 4 to 7 March. The aim of the visit was to review the administration of justice and protection of human rights in the justice system, the systematic work for implementing human rights with reference to the National Human Rights Action Plan 2011-2014, and the functioning of the National Human Rights Institutions.

While welcoming the on-going efforts to reform the justice sector, the Commissioner stressed that the Moldovan judiciary remains underfunded and that the legislation and practice should be further reviewed with a view to enabling the Superior Council of Magistrates – the self-governing body of the judiciary – to have an increased role in the decisions regarding the allocation of resources to courts. Stressing that it was essential that judges be appropriately qualified and professionally competent, the Commissioner recommended that appointments and promotions of judges be based on clear and objective criteria including individual merit, qualifications, integrity and efficiency. At the same time, the initial five-year probationary period for judges should be revoked in the interests of preserving judicial independence. Moreover, officials from other branches of government should refrain from any actions which may be viewed as applying pressure on judges, such as initiating disciplinary proceedings against them because of the decisions they take.

The Commissioner underlined that impunity for torture and ill-treatment remains a serious issue in the Republic of Moldova. The European Court of Human Rights has delivered a significant number of judgments finding a violation of Articles 2 (right to life) and 3 (prohibition against torture) of the European Convention on Human Rights in cases implicating representatives of public authorities. He expressed particular concern that regarding the torture and ill-treatment inflicted by police officers during the events of April 2009, all conviction sentences have been suspended by courts.

The Commissioner acknowledged the steps taken by the authorities of the Republic of Moldova to address the structural problem of non-enforcement or delayed enforcement of court judgments, in particular by adopting the “Law on the redress by the state of damages caused by the breach of the right to trial within a reasonable time or of the right to enforcement of a judicial decision within a reasonable time” in 2011. However, in the Commissioner’s view further resolute steps have to be taken to provide adequate and effective redress to those whose right to have a case examined or a final judgment enforced within a reasonable time has been breached.

Concerning systematic work for implementing human rights, while welcoming the adoption of the National Human Rights Action Plan (NHRAP) for 2011-2014, the Commissioner noted that in the interest of coherence and sustainability of the policies concerned, there should be better coordination with sector-specific plans and with the on-going justice sector reform, and civil society and National Human Rights Institutions should be actively involved in the implementation and evaluation of the NHRAP. An effective external communication strategy should be developed for the NHRAP to reach the general public for enhancing awareness in relation to human rights policies. The Commissioner recommended that an independent evaluation of the results of the NHRAP be carried out in due course.

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

The Commissioner noted that a developed legal framework on non-discrimination was adopted in the Republic of Moldova and an Equality Council was established, which are important steps towards combating discrimination and promoting equality at national level. The Commissioner encouraged the authorities to amend the anti-discrimination legislation in due course, with a view to strengthening its safeguards against discrimination on the ground of sexual orientation.

The report is available on the Commissioner's website, together with the comments of the authorities of the Republic of Moldova.

4. Themes

Racist extremism

On 5 July, the Commissioner's Office participated in the Third Regional Roundtable Meeting "Challenging anti-Muslim Prejudice and Promotion of Mutual Understanding in Multicultural Societies through Education", organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), UNESCO and the Council of Europe in Strasbourg. The event, attended by more than 30 experts on education and officials from across the OSCE region, highlighted education policies and strategies that can effectively challenge anti-Muslim prejudice and promote mutual understanding in society. Participants also discussed the recommendations contained in the *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education*, which were published jointly by ODIHR, UNESCO and the Council of Europe in 2011.

Post-war justice and reconciliation in the region of the former Yugoslavia

On 9 July, the Commissioner published a Human Rights Comment entitled "*Justice and reconciliation long overdue in the Balkans*", in which he underlined that one of the key challenges for societies emerging from conflicts is to deal with the past. He stressed that some important steps forward have been taken in this regard in the Balkans, but much remains to be done. More than 20 years after the first after war in connection with the dissolution of Yugoslavia 12 200 persons are still missing, 423 000 refugees and displaced persons still cannot return to their homes, about 20 000 persons remain stateless or at risk of statelessness and at least 20 000 women subjected to wartime sexual violence still need stronger support.

He stressed that a fundamental requirement for reconciliation is to bring to justice those who committed war-related crimes, not least war-crimes of sexual violence. He also underlined that amnesty, which leads to impunity for serious human rights violations, is not acceptable under the 2011 *Council of Europe Committee of Ministers Guidelines on eradicating impunity for serious human rights violations* and the European Court of Human Rights' case-law (2012 judgment *Marguš v. Croatia*).

The Commissioner highlighted the moral and legal obligation of the region's states to enhance their efforts to resolve the cases of missing persons and the pending issue of protracted displacement. He added that the truth about the past is essential for reconciliation and that the educational systems in this region's countries play a pivotal role in this context. He expressed his concern at the existence of divisions in education along ethnic lines, which represent a serious obstacle to reconciliation, noting that the Council of Europe regional project *Inclusive education – Human rights, vulnerable groups and minorities* presents an avenue to overcome ethnic divisions and to attain social cohesion and durable peace.-

Human Rights of Roma and Travellers

On 5 September, the Commissioner gave a key-note address to the Plenary Assembly of the European Roma and Travellers Forum (ERTF). He underlined that the human rights of Roma remained high in his list of priorities and that he will continue to focus in particular on the problems of statelessness or lack of identity documents still affecting many Roma, the segregation of children in education as well as wider segregation in society, and the human rights issues arising in connection with the migration of Roma in Europe. He expressed particular concern at recent developments in the member states, such as widespread hate speech and hate crimes, the multiplication of anti-Roma marches and the increasingly frequent use, by some politicians and media, of racist rhetoric against the Roma, especially in the context of discussions on Roma migration. He stressed the need to strengthen the fight against racism and discrimination, notably as part of the implementation of the national Roma integration strategies that many member states have adopted. He welcomed opportunities for increased cooperation with the members of the ERTF.

Violence against women

In an opinion editorial (*'Five steps to increase women's safety'*) published on 10 July by New Europe, the Commissioner warned that violence against women is one of the most widespread and serious human rights violations occurring every day in Europe. He called upon Council of Europe member states to ratify the Council of Europe Convention on preventing and combating violence against women, which helps frame the work of national and local authorities in this field. Furthermore, he urged more determined steps in a number of crucial areas: condemning violence against women in public discourse; increasing the effectiveness of prosecutions; enhancing training of police and health professionals; and investing in education and awareness-raising to address the root causes of violent male behaviour.

Human rights of children

On 20 August, the Commissioner published a Human Rights Comment entitled *Child labour in Europe: a persisting challenge*. Although there is a lack of data and research into child labour, this problem could be growing in the wake of the economic crisis, especially as a result of severe cuts in social and educational budgets. Children work in particular in sectors such as agriculture, construction, small factories and on the street. Roma children and unaccompanied migrant children are particularly vulnerable to various forms of labour exploitation. Many eventually drop out of school, which perpetuates the cycle of poverty. The Commissioner stressed that there is an urgent need for governments to better monitor child labour through adequate data collection and research, including on the impact of their social and education policies on this problem. The best interests of the child should always be the guiding principle, in conformity with international and Council of Europe standards.

Need for accountability for serious human rights violations related to CIA rendition and illegal detention

On September 11, the Commissioner published a Human Rights Comment in which he paid tribute to the victims of the terrorist attacks in New York and Washington, and called on member States to account for their role in the CIA rendition programme which allowed for unlawful detentions and interrogation techniques on European soil. In particular, the Commissioner recommended bringing to a conclusion the investigations in Poland and ensuring effective investigations in Lithuania and Romania. He also called on the European Union to help individual member States obtain the full cooperation of the United States in the investigations, and recommended renewed efforts to bring the operations of security agencies under independent scrutiny and judicial review.

The effects of the economic crisis on the enjoyment of human rights

On 1 July, the Office participated in an expert meeting in Vienna on promoting a rights-based approach to financial regulation and economic recovery organised by the Office of the UN High Commissioner for Human Rights (OHCHR). The meeting brought together both human rights and economic specialists to discuss the effects of the economic crisis on the enjoyment of social and economic rights and the responsibilities of financial institutions in the process. Particular attention was given to the implementation of the principles of transparency, participation and accountability in financial regulation.

On 19 and 20 August, the Office participated in an OHCHR consultation in Geneva on the right to social security in the context of austerity. At the meeting, the representative of the Office outlined the human rights obligations which should be respected in the implementation of economic policies and discussed the implications on austerity measures. The consultation highlighted the effects of austerity measures on marginalised and disadvantaged groups of people and the obligation to ensure minimum core obligations for the right to social security at all times.

5. Other Meetings

Meeting with Štefan Füle, EU Commissioner responsible for enlargement and European neighbourhood policy

The Commissioner for Human Rights met Commissioner Füle on 10 September in Strasbourg. Discussions focused both on further opportunities for co-operation and on the respective work and priorities in EU enlargement and European neighbourhood policy countries, including Bosnia and Herzegovina, Azerbaijan and Turkey.

Meeting with László Andor, the EU Commissioner for Employment, Social Affairs and Inclusion.

On 11 September, the Commissioner for Human Rights met in Strasbourg with Commissioner Andor. They exchanged views on the effects of the economic crisis on the European social model. Particular attention was given to the situation of children, young people, Roma and people with disabilities and the need to take human rights obligations into account in economic decision-making. They highlighted the need for continuous cooperation for improving the situation of Roma.

6. Co-operation with national human rights structures

On 4 September, the Commissioner met with the Chairperson of the Netherlands Institute for Human Rights (NIHR), Ms Laurien Koster. Following up on a meeting they had in January in The Hague in the wake of the establishment of the NIHR in October 2012, the Commissioner was pleased to learn about the work carried out by the NIHR since then, including the recent publication of its first national human rights report. Further issues discussed included co-operation with human rights protection bodies, work on national human rights action plans, migration, discrimination, corruption as well as the work of the Commissioner on human rights and austerity measures taken by member states as a result of the economic crisis.

On 19 September, the Office delivered the Commissioner's address to a Conference on the Independence of the Ombudsman in Europe in Innsbruck. The Conference was organised by the European Ombudsman Institute to celebrate its 25-year anniversary. In his address, the Commissioner noted that the ombudsman institution had made rapid progress in Europe in recent decades and that the mandates of ombudspersons today often referred to the protection of human rights explicitly. The Commissioner highlighted independence as an essential condition for the effective functioning of ombudsman institutions and their outspoken ability to defend human rights. He also pointed out that independence had to be accompanied by public accountability in terms of transparency, visibility and accessibility of the ombudsman's activities. Public accountability is essential for gaining respect and popular support for the ombudsman institution as an effective and independent complaints mechanism which is not afraid to scrutinise the legality of a government's actions.

7. European Court of Human Rights

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

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

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

8. Communication and Information work

The main coverage concerned the visit to Turkey, the human rights comment on European governments' responsibility in the CIA rendition programme and the statement commemorating the Srebrenica Genocide.

The observations made at the end and after the visit to Turkey, in which the Commissioner called for an end to police violence and for effective investigation of police misconduct, were largely covered by national and international media, in particular *AFP, Hürriyet, Bianet, Le Nouvelliste, Hakimiyet, Vatan, Today's Zaman, EurActiv, Libération, ATS, CİHAN, Reuters, Deutschlandradio, Die Zeit, Die Welt, Skai, Kathimerini, AlJazeera, Tageblatt, RTL, France 24, Fox News, Agência Lusa, L'Expression, Deutsche Welle*.

The human rights comment on the need for accountability in CIA torture cases received widespread coverage, in particular by *Wall Street Journal, Gazeta Wyborcza, PAP, TVN24, Radio Poland, New Europe, Eurasiareview, Europa Press, Russia Today, The Irish Examiner, ANP, Volkskrant, Trouw, De Gelderlander, The Voice of Russia, RAPSİ, Radio Moscow, TélAm, EFE, Expreso, Hnonline, ANSA, Radio Free Europe, The Huffington Post*. The Slovenian daily *Delo* reproduced the whole human rights comment.

The statement on the occasion of the commemoration of the Srebrenica Genocide, in which the Commissioner's called for justice and solidarity to victims was also widely covered, in particular by *Radio Free Europe, Dnes, B92, Beta, Tanjug, ANSA, STA,*

Mladina, AgenParl, San Marino TV, Slobodna Bosna, AFP, France 24, La Libre Belgique, Libération, RTL, Blic, Radio Sarajevo, Radio Vatican, South European Times. The Human Rights Comment on reconciliation in the region was also covered by *Radio Sarajevo* and an interview on this issue done with *Bosnia TV*. SIR published an interview on the situation of post-war justice in the Balkans.

The publication of the opinion on the law on non-commercial organisations in Russia was covered by *Novaya Gazeta, Reuters, Deutsche Presse Agentur, Radio Free Europe, Les Echo, IA Rex, Herald Scotland. Kommersant* published a long interview with the Commissioner and three articles on the topic.

The report on Azerbaijan received wide media attention, in particular by (*AFP, BBC, DPA, Al Jazeera, Deutschlandradio, Transitions Online, Radio Free Europe, Press TV, Turan, SIR, IRFS, Austria Press Agency, Radio France International, APA, Press TV*).

The Commissioner's tweet condemning the anti-Roma declaration of the Mayor of Nice were published by *AFP* and reproduced in *Le Figaro* and *L'Humanité*. The Commissioner's comments on the anti-Roma incidents in the Czech Republic were widely reproduced, in particular by *Ceské Noviny, Radio Prague, DNES, The Prague Post*. Other comments made by the Commissioner on Roma in France and in Europe were mentioned by *Jurnalul Național, RTBF, New Europe and West, Argenpress.info, Le Vif, Beta-B92-Danas, STA, Mladina, Radio Free Europe, Glas Slavonije La Jornada, RTS, Gandul, Mediafax, Le Quotidien, ANSA, Dnes, Beta, Les Soir, AFP, Aftonbladet, CTK Daily News, Goteborg Post, Dagens Nyheter*.

Coverage of the report on Greece as well as new comments on the situation on Greece continued, mainly on *Enet, Eleftherotypia, To Vima, Dagens Næringsliv, Aftenposten, Info Radio, Le Monde, The New York Times, BBC, ARTE, La Repubblica, AGI, Capital, TV Kosmos, Proto Thema, Newpost, TV5 Monde, Gazeta, Lesinrocks, EU Observer, De Standaard, Swedish Radio, IBTimes, Deutsche Welle, The Irish Times, Sky*. An opinion editorial in the *New York Times* referred to the Commissioner's report on Greece as well. *Rzeczpospolita* and *The Guardian* also mentioned this report and *The Economist* published a letter to the editor sent by the Commissioner concerning the discussion about the possibility to ban Golden Dawn.

The *Huffington Post UK* mentioned the Commissioner's stand against xenophobic rhetoric in UK public discourse while an interview with *Dutch TV* on forced returns of migrant children from the Netherlands was broadcast in a two series of the documentary broadcast by *Uitzendinggemist* and mentioned by other media (*Nederlands Dagblad, Brabants Dagblad, TV visie*). The Human Rights Comment on forced returns of migrants was additionally covered by *Dagen, Aktuality, Dnes*.

An opinion editorial on the necessary measures to combat violence against women was published by *New Europe*. *Itar-Tass* mentioned the Commissioner's report on Estonia with reference to statelessness.

Many media also covered the human rights comment on child labour, namely *ConfiniOnline, Hamburger Abendblatt, Famagusta Gazette, InCyprus, STA, Rassegna.it, epd, Europa Press ANSA, Neues Deutschland, ANP, Volkskrant, Delo, Famiglia Cristiana* and *France Info*.

The Commissioner appeal to lift visa restrictions for Syrian refugees published on twitter was mentioned by *Russia Today, Cotidianul, RTV, Kommersant, Novini, Delfi*. The letter in support of the LGBT Belgrade Pride was mentioned mainly by *Tanjug, 021, B92, Novosti*.

Armenian media covered the tweet expressing concern about the attack against human rights activists in Armenia (Ilur, 168, Radio Free Europe, Tert, Aravot, 7or), while *Gazeta Debistrita, New Europe, Adevarul* focused on the Commissioner's third party intervention before the Court in which he appealed for removal of barriers to court for disabled people.

The visit to Albania was largely followed by national media, in particular by *Vision Plus, Klan TV Top Channel, Shekulli, Republika, Panorama, Tema, DW, Voice of America, Gazeta Dita*.

The Commissioner comment and tweet on the Greenpeace crew held in Russia were covered by *Reuters, Ansa* and *Les Echos*, while *Tanjug, Blic* and *B92* referred to the Commissioner's tweet regretting the ban of the Belgrade Pride.

The report on the Republic of Moldova also attracted large national media coverage (*Radio Free Europe, Adevarul, Jurnal, Publika, Ziarelive, Pesurse, Voceabasarabiei*).

Further coverage concerned the erased in Slovenia (*Mladina*), migrants' rights (*Helsingin Sanomat*), police behaviour (*Bayerische Staatszeitung*) and general topics (*Strasbourg magazine*), child poverty in Spain (*EFE, Madriddiario*), surveillance (*Deutsche Presse Agentur*), LGBT in Portugal (*Agencia Lusa*), prisoners' voting rights (*West portal*), defamation and the justice system in Italy (*Panorama, Notizie Radicali, L'indro*), Spain (*Cadena Ser*), and proposed constitutional changes in Latvia (*Latvijas Avīze, LETA*),

The number of followers on twitter continued to grow reaching 5 063 (a 16% more as compared to the end of June). Interactions on Facebook also increased. The Commissioner's website was surfed by more than 18 000 unique visitors.

The following Human Rights Comments were published:

Decisions concerning migrant children must always be based on their best interests (19/9/2013)

Time for accountability in CIA torture cases (11/9/2013)

Child labour in Europe: a persisting challenge (20/8/2013)

9. Next three months

October

- 30/09-06/10 PACE Session
- 07-08/10 FRA Conference with National Human Rights Structures in Europe (Vienna)
- 21-22/10 High-Level Conference on Combating Racism and Xenophobia and Intolerance in Europe, hosted by Armenian Chairmanship of the CM (Yerevan)
- 23/10 Robert Schuman Foundation Conference “*Les valeurs de l’Europe*” (Strasbourg)

November

- 05/11 Launch CommHR Issue Paper on “The right to leave a country” (Brussels)
- European Parliament LIBE Hearing “The situation of fundamental rights in the European Union in 2012: how to strengthen fundamental rights, democracy and the rule of law” (Brussels)
- 06/11 European Union Human Rights Working Group – COHOM (Brussels)
- 07-08/11 1st CoE Conference of Ministers responsible for Media and Information Society: “Freedom of expression and democracy in the digital age – opportunities, rights and responsibilities” (Belgrade)
- 18-22/11 Visit to Denmark
- 27-29/11 World Forum for Democracy (Strasbourg)

December

- 3/10 Launch CommHR Issue Paper on “Safeguarding human rights in times of economic crisis” (Brussels)
- 10/12 Scottish Human Rights Commission: Launch of Action Plan (Edinburgh)

10. Observations and reflections

In recent months, I have sought to draw public and governmental attention to the human rights of lesbians, gays, and bisexual and transgender (LGBT) persons in various country contexts. I met with LGBT activists during country visits to Russia, Moldova and Turkey to discuss their concerns and to be better able to relay them to the authorities. I issued a statement condemning violence against LGBT protesters in Georgia in May, a video message of support to the Baltic Pride event in Vilnius in July, and a statement urging the Serbian authorities to permit and protect a Pride event in Belgrade in September 2013. I have addressed letters to parliaments on LGBT issues, including a support letter to the Croatian parliament on gender recognition in April 2013 and a support letter to the Portuguese parliament in June regarding second parent adoption in line with the Grand Chamber judgment of the Strasbourg Court on *X and others v. Austria*. Notwithstanding progress in some countries, I have also received an increasing number of reports of hate speech aimed at LGBT persons and hate crimes targeting them.

Some representatives of member state governments or parliaments occasionally try to dismiss issues pertaining to LGBT rights as being “exotic”, “politicised”, “exaggerated” or a matter to be dealt with “in line with local cultural or religious sensibilities”. Such rhetoric seeks to cast doubt on the legitimacy of the demands for equality being put forth, the serious and widespread nature of violence and discrimination LGBT persons face, and the binding nature of the legal standards every Council of Europe member state has agreed to abide by. The Strasbourg Court has given member states a wide margin of appreciation on issues pertaining to same-sex marriage and significant leeway on same-sex partnerships and adoption. However, on issues pertaining to the freedoms of expression and assembly and the right to protection from hate speech and violence, the case law is clear – LGBT persons are entitled to equal treatment, protection and dignity.

Many human rights defenders and national human rights structures have integrated LGBT issues as a natural part of their broader equality agenda. However, more progress is needed from legislatures and judiciaries. Although most member states have legislation in place which bans discrimination on the basis of sexual orientation or gender identity, it is rarely comprehensive. Too few member states criminalise incitement to hatred on grounds of sexual orientation or gender identity and treat homophobic or transphobic motivation as an aggravating circumstance in common crimes. The case law at national level on instances of homophobic or transphobic hate speech is thus far relatively sparse, though such speech, especially on the internet, is quite widespread. Political and public discourse on LGBT issues is often primitive and stigmatising. Thus, I warmly welcome the recent statements by Pope Francis, signalling a more inclusive, accepting stance by the Catholic Church. Bishop Desmond Tutu has advocated the human rights of LGBT persons for a long time already. It would be wonderful if other religious leaders followed this path along with political elites.