



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Strasbourg, 29 May 2013

CommDH(2013)10

1ST QUARTERLY ACTIVITY REPORT 2013

by Nils Muižnieks
Commissioner for Human Rights

1 January to 31 March 2013

Presented to the Committee of Ministers
and the Parliamentary Assembly

CONTENTS

1. Overview.....	3
2. Missions and Visits	4
3. Reports and continuous dialogue.....	9
4. Themes	11
5. Other Meetings	13
6. Human rights defenders.....	15
7. Communication and Information work.....	15
8. Next three months.....	18
9. Observations and reflections	19

1. Overview

During the 1st quarter of 2013 issues pertaining to citizenship and human rights emerged rather high on my agenda in a number of different country contexts. Citizenship or nationality (as it is often referred to in international instruments) is a very sensitive issue area for many states, as it is often perceived as being intimately related to national identity and the most jealously guarded national prerogatives. However, citizenship is not merely a matter for states – it affects individuals in the profoundest of ways. It can determine whether or not they have access to social, economic, civil and political rights. It can also determine whether or not they can remain in a country, affect the way others treat them, and influence their own sense of dignity and identity.

I sought to highlight the right of children to a nationality from birth and the imperative of acting in the best interest of the child in a Human Rights Comment on stateless children in Europe. I also raised the issue of access to citizenship or statelessness in country visits in Greece and Estonia and in a letter to the Slovenian authorities. I addressed issues pertaining to citizenship and human rights at an event in Brussels organised by the Migration Policy Group, one of the leading think tanks in this area. There are still too many stateless persons or persons at risk of statelessness in Europe. Too often, statelessness is being transmitted from generation to generation. We must break this cycle.

Another issue that appeared on my agenda quite often in this quarter was the way in which law enforcement bodies address racist crime. Over and over again, I have found the need to stress that racially motivated crimes differ from ordinary crimes. They have a more serious impact on individuals, who take longer to recover from the trauma of this attack on their identity. Such attacks affect not only the individual concerned, but entire communities, the members of which have been made to feel insecure, as anyone from that community could have been the victim. This is why racist motivation is generally considered an aggravating circumstance and penalties can and should be more severe for this type of crime.

The necessity of curbing racist crime was at the core of a visit I conducted to Greece, which has seen a spike in racist attacks against migrants, Roma and other minorities in recent years. I also urged the authorities to address more effectively both hate speech and hate crimes against Roma in a report I issued on the Czech Republic. On a contact visit to Germany, I met with a special parliamentary committee examining how a series of racially motivated murders could take place in the country and the response of law enforcement, which for long disregarded the racist component of these crimes. Fortunately, the Council of Europe can provide good guidance in this realm in the form of ECRI's General Policy Recommendation on Combating Racism and Racial Discrimination in Policing, which I have sought to promote. I also think the Council of Europe could be very useful to many countries in organising training and exchanges of best practice on combating racist crimes among police, prosecutors and judges.

2. Missions and Visits

Mission to the Netherlands

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

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

Visit to Greece

The Commissioner visited Greece from 28 January to 1 February. The aim of the visit was to review certain human rights issues related notably to intolerance and racist and other forms of hate crime.

During his visit, the Commissioner held discussions with the national authorities, including the Minister of Public Order and Citizen Protection, Mr Nikolaos Dendias, the Minister of Justice, Mr Antonios Roupakiotis, the Deputy Minister of Foreign Affairs, Mr Konstantinos Tsiaras, the Deputy Chief of the Hellenic Police, Mr Adamandios Stamatakis and other representatives of the police and the coast guard. He also held discussions with Greek MPs in the parliament, the Prosecutor General of the Court of Cassation, Mr Ioannis Tentis, and the Deputy Prosecutor General, Mr Dimitrios Dasoulas, as well as with the Deputy Public Prosecutor of the First Instance Court of Athens in charge of racist crime, Mr Nikolaos Ornerakis, the President, Mrs Vasiliki Thanou-Christofilou, and members of the National Association of Judges and Prosecutors. Additionally, the Commissioner met with the Mayor of Athens, Mr Yorgos Kaminis, and members of the Athens City Council for Migrants’ Integration, as well as with the Ombudsman, Mrs Calliope Spanou, the President of the National Commission

for Human Rights, Mr Kostis Papaioannou, other members of the Commission, staff members of the UNHCR Office in Athens and non-governmental organisations.

Moreover, the Commissioner visited the police station of Aghios Panteleimonas in Athens and the central park "Pedion tou Areos" where he met with a number of homeless migrants. In addition, he had the opportunity to visit the polyclinic of "Doctors of the World" in Athens and to talk with its staff as well as with migrants who had been provided with medical care following racist attacks.

Having noted with grave concern that between October 2011 and December 2012 more than 200 racist attacks were recorded by the racist violence recording network headed by UNHCR and the Greek National Commission for Human Rights, the Commissioner welcomed the fact that many political leaders in Greece now realise the need to firmly condemn and sideline every person and organisation that promotes hate speech and engages in hate crimes. He welcomed in particular the establishment of the 70 anti-racist police units and the appointment of a special prosecutor in Athens to deal with racist crime. Both however need to be reinforced with appropriate staff and systematic human rights training. The Commissioner also urged the Ministry of Public Order to take all necessary measures in order to create an independent and effective police complaints mechanism that would enhance the public's trust in police forces.

The Commissioner added that anti-racism measures by the government need to be combined with initiatives, such as the Athens City Council for the Integration of Migrants, that promote the political participation and integration of all regular migrants, especially of their children who are born and educated in Greece and consider it their home country. Naturalisation should continue to be possible for these children.

Lastly, Commissioner Muižnieks underlined the critical role played by National Human Rights Structures, such as the Ombudsman and the National Commission for Human Rights, in the context of the current, serious economic and social crisis. He noted that it is now, more than ever, that Greece needs robust and effective human rights structures, able to support the state in its efforts to overcome shortcomings in areas such as the systematic human rights training of law enforcement officers, judges and prosecutors and the monitoring, recording of and the fight against hate crime.

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

Mission to Germany

On 20 February, the Commissioner travelled to Berlin on the invitation of the Committee on Human Rights and Humanitarian Aid of the German Parliament. He presented his work to the Committee chaired by Mr Tom Koenigs. The subsequent exchange of views between the Commissioner and the members of parliament covered numerous topics, among which featured the human rights of minority groups including Roma, the fight against racism and discrimination and the threat of right-wing extremism in several European countries.

During his stay in Berlin, the Commissioner also held discussions with other representatives of German authorities and institutions. At a meeting with the Minister of Justice, Ms Sabine Leutheuser-Schnarrenberger, discussions focused on the need to combat extremism, and on on-going reforms in Germany to this end, as well as on the

need to preserve and strengthen the system of human rights protection in Europe. The Commissioner also gained first-hand information on the important work of the German Parliament's Inquiry Committee formed to investigate the murder spree of the National Socialist Underground (NSU) terror group. At a meeting with the Chair, Mr Sebastian Edathy, and other members of the Committee, the Commissioner expressed his hope that the Committee will be able to fully investigate the issues and that lessons will be drawn on how to better detect racist motives already at the outset of a criminal investigation. Lastly, the Commissioner visited the German Human Rights Institute, where he met with the Director of the Institute, Ms Beate Rudolf, as well as the Head of the UN Convention on the Rights of Persons with Disabilities National Monitoring Body, Mr Valentin Aichele, and staff members of the Institute.

Visit to the Republic of Moldova

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

In the course of the visit, the Commissioner engaged in a dialogue with the national authorities, including the Speaker of Parliament of the Republic of Moldova, Mr Marian Lupu, the Minister for Foreign Affairs, Mr Iurie Leancă, the Minister of Justice, Mr Oleg Efrim, the Acting Minister of Interior,¹ Mr Dorin Recean, the President of the Constitutional Court, Mr Alexandru Tănase, the President of the Supreme Court of Justice, Mr Mihai Poalelungi, members of the Superior Council of Magistracy, and the Deputy Prosecutor General, Mr Igor Serbinov. In the Office of the Acting Prime Minister, the Commissioner had exchanges with the Head of Office, Ms Lilia Snegureac, and with the Senior State Advisor to the Prime Minister, Mr Ruslan Stânga. He also visited the National Institute of Justice and had a discussion with its Director, Ms Anastasia Pascari.

During his visit to the Centre for Human Rights (the Ombudsman institution), the Commissioner met with the Parliamentary Advocates, Mr Anatolie Munteanu, Ms Aurelia Grigoriu, and Mr Tudor Lazăr. In addition, the Commissioner held discussions with several non-governmental organisations working in the field of human rights and with representatives of international organisations involved in the process of reforming the justice sector. He also had exchanges with the members of the Council of the Bar Association.

The Commissioner welcomed the adoption by the authorities of the Republic of Moldova of the National Human Rights Action Plan 2011-2014, and underlined that the authorities need to ensure better communication about it, both internally and externally. The Commissioner stressed the importance of defining priorities – such as anti-discrimination and the reform of the justice sector – and to actively involve civil society in the process of monitoring the implementation of the Action Plan.

The Commissioner stressed the necessity of strengthening the independence and efficiency of the Ombudsman institution as well as of providing adequate funding for it. Following the adoption of the Law on Ensuring Equality in May 2012, the Council on

¹ On 5 March 2013, the Government of the Republic of Moldova received a no-confidence vote from the majority of Members of the Parliament. As a consequence, the Cabinet members whom the Commissioner met after 5 March 2013 are referred to as "Acting Ministers".

Preventing and Combating Discrimination and Ensuring Equality was established. At the time of the visit only two out of five members of the Council had been selected. The Commissioner called upon the Parliament to proceed without delay with the selection and appointment of the remaining members through a transparent process based on clear criteria.

In reference to the current reform of the justice sector, the Commissioner called for more efforts to ensure adequate funding, including for increasing judges' salaries, to ensure the long-term sustainability of reforms. The Commissioner also emphasised the need to reform the Prosecutor's Office with a view to strengthening the procedural independence of prosecutors. Noting the recent judgments of the European Court of Human Rights in which it found a violation of Article 2 and 3 in respect of Moldova in cases involving ill-treatment by representatives of a public authority, the Commissioner recommended that the authorities should take enhanced measures to investigate such crimes properly and ensure accountability, including for offences committed by law enforcement officials during the April 2009 events.

Lastly, the Commissioner also travelled to Tiraspol where he discussed the human rights situation in the region with local leaders, representatives of civil society and relevant institutions, in particular concerning shortcomings in the penitentiary system, including measures to prevent overcrowding and to address the problem of tuberculosis and HIV.

The report on the visit is forthcoming.

Mission to Sweden

On the invitation of the Swedish authorities, the Commissioner travelled to Stockholm to attend the meeting of the Human Rights Directors of the Ministries of Foreign Affairs of the member states of the Enhanced Partnership in Northern Europe on 22 March. At this meeting, the Commissioner delivered a speech on his work concerning freedom of expression, internet freedom and the safety of journalists, highlighting his priorities and informing the participants about his past and planned work on these issues. In his speech and the subsequent discussions, the Commissioner outlined his major concerns regarding the safety and protection of those expressing themselves in the public interest, including journalists, bloggers and reporting citizens; the maintenance of internet as an open space free from undue restrictions; and independence and pluralism of the media.

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

Visit to Estonia

The Commissioner carried out a visit to Estonia from 25 to 27 March which focused on the human rights of children, the effects of the economic crisis on the enjoyment of human rights and the effectiveness of national human rights structures.

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

The Commissioner noted that about 1200 children under 15 years of age remained stateless in Estonia. He urged the Estonian authorities to ensure that all children are granted citizenship automatically at birth even when their parents are stateless. It is in the best interests of the child to hold citizenship from birth.

The Commissioner welcomed the on-going reform of the Child Protection Act and stressed that qualified staff for child protection should be made available in every municipality. There is a specific need to develop psychological and psychiatric support services for children. The Commissioner also called on the Estonian Government to explicitly prohibit corporal punishment of children in all settings.

Estonia experienced an economic crisis in 2008-10 which resulted in an increase in unemployment levels and severe austerity measures. The absolute poverty rate among children reached 18.6% in 2010. Although the economy has recovered, the Commissioner expressed concern about the risks of social exclusion and long-term unemployment. He underlined that reinforced protection minima for the general population and specific measures for vulnerable groups were essential for preventing the transmission of the effects of the crisis to future generations.

The economic recovery provides a good opportunity for implementing the International Convention on the Rights of Persons with Disabilities which Estonia ratified in 2012. The Commissioner pointed out that an independent mechanism to monitor the implementation of the Convention needs to be set up with the active participation of persons with disabilities themselves. Inclusion in working life should be one of the priorities.

Systematic efforts are necessary to promote equality. The Commissioner urged the Estonian authorities to strengthen the Gender Equality and Equal Treatment Commissioner so that the institution can reach out effectively to minorities and vulnerable groups throughout the country. Awareness of ethnic discrimination in employment should also be raised.

The Commissioner welcomed the efforts to improve access to justice by eliminating excessive court fees and providing remedies for lengthy court proceedings. He stressed

that the adoption of the new State Liability Act should be accelerated to ensure compensation for lengthy court cases.

The report on the visit is forthcoming.

3. Reports and continuous dialogue

Letter to the Prime Minister of Slovenia

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

In his letter the Commissioner called on the Slovenian authorities to review the 2010 Legal Status Act in order to facilitate the re-inclusion into Slovenian society of those “erased” persons who still wish to have their residence status restored. He expressed his particular concern at the low number of applications and granted requests, a fact that may indicate that the law is not effective. In this context, he underlined that it would be useful to extend the deadline for the submission of applications for permanent residence, and to exempt the “erased” persons from the payment of the relevant administrative fees.

The Commissioner noted with satisfaction that the Slovenian authorities translated a brochure aimed at informing the “erased” persons about the procedure that may lead to the granting of permanent residence into several regional languages. He stressed that additional efforts are necessary to ensure wider dissemination of such information.

In addition, the Commissioner expressed his particular concern about the plight of those, especially children, who became and may still be stateless following the “erasure”, emphasising that the right to a nationality is a human right and member states have the obligation to prevent statelessness. He reiterated his call on the Slovenian authorities to accede to the Council of Europe Conventions on Nationality and on the Avoidance of Statelessness in Relation to State Succession.

The letter is available on the Commissioner’s website together with the reply of the Slovenian authorities.

Report on the Czech Republic

On 21 February, the Commissioner published a report following his visit to the Czech Republic from 12 to 15 November 2012. The report focuses on the protection of the human rights of Roma and of persons with disabilities.

As regards Roma, the Commissioner noted with concern that their overall situation is marked by exclusion and marginalisation. The Commissioner welcomed the Roma inclusion strategies adopted by the Czech authorities and urged them to provide adequate funding and to introduce the necessary mechanisms to monitor them and give them effect. He encouraged the authorities to address the underlying causes of the marginalisation of Roma and to place the fight against institutionalised anti-Gypsyism at

the heart of the Roma inclusion strategies. The Commissioner also called on the authorities to ratify Protocol No. 12 to the European Convention on Human Rights, which contains a general prohibition of discrimination.

The Commissioner expressed concern at the institutionalised anti-Gypsyism evidenced in the Czech Republic and stressed the essential role played by politicians at national and local level in the efforts to eradicate anti-Gypsyism and to promote respect for human rights and social cohesion. He urged the authorities to strengthen their initiatives aimed at ensuring that the media do not promote anti-Gypsyism and to consistently enforce penalties in cases of incitement to discrimination, hatred and violence against Roma. In this context he invited the government to support and lead the three-year national campaign against racism and xenophobia set to be launched by the Czech Government Commissioner for Human Rights and the Agency for Social Inclusion in Roma Localities in 2013. Commissioner Muižnieks also called on the authorities to remove the pig farm built in the 1970s on the former concentration camp of Lety, where many Roma were killed during World War II.

Furthermore, the Commissioner noted with concern that Roma continue to be the main victims of racially motivated violence and underlined the importance of ensuring that hate crimes committed against Roma and members of other minorities are effectively investigated and that the perpetrators of such crimes are prosecuted. The Commissioner welcomed the efforts of the Ministry of Interior to implement trust-building measures and to enhance the participation of minorities, including Roma, in the police forces. He was also pleased to note that the Czech Republic planned to accede soon to the Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

The Commissioner regretted that five years after the [D.H.](#) judgment of the Grand Chamber of the European Court of Human Rights many Roma children are still taught as children with mild mental disabilities and stressed the urgent need to take rapid action to fully execute this judgment. The Commissioner drew the authorities' attention to the long-term, serious societal risks and costs associated with the fact that quality education is not equally accessible by all and urged them to set a concrete timetable and a clear budget for the transfer of Roma children from special to ordinary education and for the overall desegregation of the school system. The Commissioner also considered that the Czech authorities should increase their efforts to counter practices that lead to the territorial segregation of Roma and should address as a priority the improvement of material living conditions in Roma settlements.

As concerns persons with disabilities, the Commissioner underlined the need to overhaul and transform psychiatric care, particularly by promoting de-institutionalisation, fully protecting persons with disabilities from involuntary hospitalisation through effective judicial review, and preventing and eliminating the ill-treatment of persons deprived of their liberty.

The Commissioner was concerned that around 60 000 persons with intellectual and psychosocial disabilities live secluded in institutions, and that more than 30 000 are totally or partially deprived of legal capacity and placed under guardianship. He welcomed the fact that the new Civil Code that will enter into force in January 2014 will repeal the full deprivation of legal capacity and each individual situation will be reviewed.

The Commissioner stressed that this task will require sustained efforts to properly train and inform all legal and other professionals who will be called upon to apply the new law and give effect to the standards contained in the UN Convention on the Rights of Persons with Disabilities. He urged the authorities to ensure that the implementation of the new legislation will not be delayed and to stop full deprivation of capacity even before the entry into force of the new Civil Code.

Lastly, the Commissioner urged the authorities to end the school segregation of children with disabilities and to ensure that these children benefit from adequate individual support, in an inclusive education system.

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

Statement concerning the January 2011 events in Albania

On 21 January, the Commissioner published a statement in the context of the second anniversary of the violent events in Tirana during which four demonstrators were shot dead and a number of policemen and protesters were injured.

In his statement the Commissioner stressed that he remained very concerned at the fact that a number of the persons responsible for these violent acts and human rights violations have not yet been held to account. He urged the Albanian government to proceed to the completion of a thorough, impartial and credible investigation and fair judicial proceedings, thus giving a clear signal that impunity for serious human rights violations is not acceptable.

4. Themes

Human rights of the child

On 15 January, the Commissioner published a Human Rights Comment on stateless children in Europe. He highlighted that hundreds of thousands of persons in Europe remain without citizenship and are therefore deprived of access to civil and political as well as social and economic rights. He reminded states of their undertakings under the UN Convention on the Rights of the Child and the need to effectively safeguard all children's right to a nationality. He therefore urged states to ensure that all children are duly registered at birth and to automatically grant citizenship at birth to children born on their territory who would otherwise be stateless. States should also prevent parents from choosing an option concerning their citizenship that is not in the child's best interest. Finally, he called upon all member states to accede to the relevant international conventions concerning nationality and statelessness (the 1954 and 1961 UN Conventions and the 1997 and 2006 Council of Europe Conventions).

Transitional justice

From 17 to 19 January, the Commissioner's Office participated in a conference on transitional justice, security and development organised by Wilton Park with the support of the Swiss Federal Department of Foreign Affairs and the Norwegian Ministry for

Foreign Affairs. Among the key points emerging from the discussion was the need for transitional justice measures to be sensitive to context, to look for local solutions and take account of local realities where poverty is coupled with inequality. A strong point was also made about the need for policy-makers to be more modest about what transitional justice can deliver and not over-estimate its impact, but make responsible commitments. Governments must contribute to creating the political conditions in which transitional justice measures can be most effective. Victims need to be at the centre of transitional justice measures; they are often 'invisible' and need to be given recognition as rights-holders. The gender factor also needs to be taken into account: empowering women and ensuring their access to justice is crucial for the development of any society.

Human rights of immigrants, refugees and asylum seekers

On 11 and 12 February, a representative of the Commissioner's Office participated in the conference "Refuge from Inhumanity: Enriching refugee protection standards through recourse to international humanitarian law" organised in Oxford by the Refugee Studies Centre (University of Oxford) and the Refugee Law Initiative (University of London). The conference brought together contributions from more than twenty specialists in the field of international humanitarian law and refugee law, including academics, experts from UNHCR and the International Committee of the Red Cross. The conference assessed the prospects of substantive interaction between international humanitarian law and refugee law and took stock of recent developments in law and practice. The conference explored in detail the extent to which international humanitarian law and international criminal law may provide interpretative guidance in the asylum context and the potential of international humanitarian law for preventing *refoulement* to areas of armed conflict.

On 22 February, the Commissioner gave a keynote speech at the Centre for European Policy Studies seminar on "The Criminalisation of Irregular Immigrants and Minorities in Europe: What challenges for human rights?" in Brussels. The Commissioner stressed that criminalisation of migration is a disproportionate measure which exceeds a state's legitimate interest in controlling its borders, undermines the right to seek asylum, and affects refugees. It also equates irregular migrants with smugglers or employers who, in many cases, exploit them. Such a policy causes further stigmatisation and marginalisation, even though the majority of migrants contribute to the development of European states and their societies. The Commissioner underlined that it is important to make clear that irregular migrants too have human rights such as freedom from ill-treatment and from the arbitrary application of the law. The Commissioner also reiterated his grave concern about the possibility provided by the "Return Directive" of detaining irregular migrants in EU member states for a maximum period of 18 months. Finally, the Commissioner expressed concern about migration criminalisation targeting national minorities, particularly Roma migrants in Europe, who face harsh measures both in host countries and their countries of origin. The Commissioner's speech is available on his website.

On 22 February, the Commissioner participated in the EU final event on "Access to citizenship and its impact on immigration integration", organised by the Migration Policy Group in Brussels. During the debate on the role of European institutions in promoting migrants' naturalisation the Commissioner underlined the interplay between access to citizenship, integration, and the protection of human rights. As regards the situation of stateless persons, the Commissioner considered that European states should be encouraged to grant citizenship to children born to stateless parents or to parents whose

nationality cannot be transmitted to them. The avoidance and reducing of statelessness should also become part of the measures aiming at creating a human rights-based asylum system. As concerns the naturalisation and integration processes, the Commissioner considered that European states should be encouraged to facilitate access to citizenship, including by reframing naturalisation tests so that they become an aid to integration. Furthermore, the Commissioner underlined the importance of urging host countries to consider all relevant means for regularising the situation of irregular migrants, in cases where they cannot or should not be returned to their countries of origin.

Human rights of LGBTI persons

On 8 March, the Commissioner's Office participated in an expert meeting on the human rights of LGBTI persons organised by the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) in Brussels. The meeting took stock of efforts to advance the recognition of the human rights of LGBTI persons during the past three years and identified priority issues to be addressed in the coming years. Specific attention was given to opportunities for enhancing co-operation between international organisations and NGOs, also with reference to the implementation of the Recommendation of the Committee of Ministers CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity.

5. Other Meetings

European Parliament Subcommittee on Human Rights

On 21 February, the Commissioner participated in an exchange of views with members of the Subcommittee on Human Rights of the European Parliament. He started by highlighting some areas of particular concern, notably the functioning of the judiciary, austerity measures and human rights, internet freedoms, human rights of Roma and human rights of migrants, refugees and asylum seekers. The Commissioner also responded to a certain number of questions asked by MEPs, notably on national minorities, the situation of Roma, freedom of expression and religious freedoms. Co-operation with national human rights structures and the need to support their action were also mentioned during the discussion.

Meeting with the Vice-President of the European Commission responsible for the Digital Agenda

On 21 February, the Commissioner met with Ms Neelie Kroes, the Vice-President of the European Commission responsible for Digital Agenda. They exchanged information on their respective priorities. The discussions focused on internet freedoms including freedom of expression online for those exercising their right to receive and impart information in the public interest, notably journalists, bloggers and reporting citizens. Ms Neelie Kroes gave information on the intended follow-up to the report of the EU High Level Group on Media Freedom and Pluralism, and they also discussed a number of country-specific issues.

EU Council working group on EU relations with the Council of Europe and the OSCE (COSCE)

On 22 February, the Commissioner held an exchange of views with COSCE. He presented the work he has carried out since the beginning of his mandate in the framework of his dialogue with governments to address specific human rights issues. He also highlighted some priority themes such as the impact of the economic crisis and related austerity measures on human rights; media freedom including the protection of journalists and internet freedoms; and migration and human rights. In the subsequent discussion, the Commissioner replied to a number of questions relating, among other things, to co-operation with the EU Special Representative on Human Rights, ways of supporting human rights defenders, and the use of the Commissioner's findings by governments.

European Economic and Social Committee Conference: "Immigration – a source of wealth and duties for Europe"

On 15 March, the Commissioner participated in the above conference which was organised in Brussels by the European Economic and Social Committee, the French Economic, Social and Environmental Council and the Council of Europe. In his opening speech the Commissioner expressed concern at the stigmatisation and criminalisation of migrants in Europe and recalled the tragic consequences of push-backs and violence against migrants. The Commissioner underlined the crucial role that politicians and national courts have to play in turning these trends around. Furthermore, he pointed out that the presence of migrants is necessary in view of the serious demographic crisis faced by European nations and that the wealth produced by migrants benefits everyone. The Commissioner considered that European states should approach migration from the angle of a rational management that fully respects the civil, political and social rights of migrants. Commissioner Muižnieks stressed that protecting migrants is a moral and legal obligation that no European state can renounce and that the human rights perspective should not be lost in any discussion or policy concerning migrants.

Exchange of views with the European Committee for Social Rights (ECSR)

On 18 March, the Commissioner held an exchange of views with the ECSR. The Commissioner informed the Committee of his thematic priorities and country work which had involved the application of the Committee's findings. Particular attention was given to the effects of the economic crisis and austerity measures on the enjoyment of social and economic rights.

The possibilities for the Commissioner to make third party interventions in the Committee's work in reviewing collective complaints were highlighted. The Commissioner pointed out that he regularly promoted the full ratification of the revised Social Charter and its collective complaints mechanism during his country visits. Under the current economic context, it is especially important to uphold social and economic rights in Europe.

Exchange of views with the Steering Committee for Human Rights (CDDH)

On 20 March, the Commissioner had an exchange of views with members of the Steering Committee for Human Rights (CDDH) in Strasbourg. The Commissioner

presented his priorities relating to country and thematic work. He also explained how he sees his role in relation to the work of the European Court of Human Rights. The discussion covered issues pertaining to the administration of justice, in particular in countries where structural problems are a source of repetitive cases before the Strasbourg Court. The interaction with other monitoring mechanisms, as well as co-operation with the European Union and the United Nations, was also addressed.

6. Human rights defenders

Human Rights Comment: Belarusian Human Rights Defenders Need Support

On 12 February 2013, the Commissioner published a Human Rights Comment entitled “Belarusian human rights defenders need support”, in which he recalled that even if Belarus is not a member state of the Council of Europe, this does not absolve the organisation and its members from supporting human rights in the country. The Commissioner stressed that Council of Europe member states should abstain from actions that could harm the security and integrity of Belarusian human rights defenders, as has been the case for Ales Bialiatski.

The Commissioner strongly encouraged Council of Europe member states to demonstrate solidarity with Belarusian human rights defenders, including through the provision of concrete protection measures such as emergency visas and shelter for threatened human rights defenders and their family members. It is also important for Belarusian human rights defenders to continue to receive support for their activities and engage in joint initiatives with human rights actors from other European countries, as it is the case for example through the Belarusian Human Rights House in exile in Vilnius.

The Commissioner called for more intense Council of Europe action in the field of human rights promotion and protection with respect to Belarus. Accession of Belarus to the European Convention on the Prevention of Torture and Inhuman and Degrading Treatment and Punishment, as well as enhanced co-operation with the Venice Commission on the basis of opinions adopted, would be relevant steps to support reforms and improvement of the human rights situation.

7. Communication and Information work

The main coverage during the last quarter concerned the visit to Greece, the publication of the report on the Czech Republic and positions expressed on immigration issues.

At the end of the visit to Greece, the Commissioner held a press conference in which he made public his preliminary observations, including on racist violence in the country. This led to wide national and international media coverage, focused mainly on the Commissioner’s warnings that racist violence poses a threat to democracy in Greece (*To Vima, Ta Nea, The Guardian, BBC, Newsbeast, AFP, Global Post, ANSA, SDA/ATS, La Voz de Galicia, Kathimerini, Libération, El País, EFE, El Confidencial, Athens News Agency, Eleftherotypia, AVGI, APA, Der Standard, La Libre Belgique, Utrinski vesnik, Kanal 5*).

Many different activities have been covered by the media. The main coverage was received by the report on the Czech Republic in which the Commissioner recommended improving living conditions of Roma and ending the segregation of Roma children in the education system (*Euractiv, CTK, SME, Radio Prague, ČT24, České Noviny, New Europe, AFP, Frankfurter Allgemeine Zeitung*). An interview with the main public TV on the rights of persons with disabilities was aired in a widely followed evening programme.

The Commissioner's interview with the *Guardian* on the debate about immigration, targeting in particular Bulgarians and Romanians, was largely covered by other media as well (*Press TV, Realitatea, Gazeta del Sud, Romania Libera, Evenimentul Zilei, Express, Novinite*). Other mentions of the Commissioner's position on migration issues were quoted by *The Irish Times, EPD, Il Manifesto, ASCA, ANSA, La Repubblica, Immigrazione Oggi, ANSA, SDA/ATS, and Balkan Web*.

The Human Rights Comment on stateless children was well covered (*IR, Radio Latvia, Delfi, LETA, Voice of Russia / TASS, Postimees, ANSA, New Europe, European Network on Statelessness*).

The Human Rights Comment on the need to support human rights defenders in Belarus was covered by *Polskie Radio, SIR, Charter 97, BelaPAN, Novosty.by, and Reporter*.

Many Albanian media covered the Commissioner's declaration on the 2nd anniversary of the violent events in Albania (*Top Channel, Balkan Web, Gazeta Tema, Gazeta Republika, Time, Shekulli, Panorama, ANSAMED*), while the letter to the Prime Minister of Slovenia concerning the situation of erased persons was covered by *Dnevnik, RTV Slovenia, HINA, Javno, Dalje.com, Al Jazeera Balkans, Ljubljanske Novice, Mladina, Poslovni dnevnik, and STA*.

A long article from *Reuters* on the investigation into CIA secret prisons in Poland mentioned parts of an interview with the Commissioner who called on the Polish authorities to bring the investigation to a conclusion and to make its findings public.

The Commissioner's interview with *Reuters* on the State awards granted by Hungary to three individuals who have made no secret of their antisemitic and racist views was largely covered also by *Il Manifesto, Arutz Sheva, Y Net, L'Humanité, Expo, Reuters* and *The Jerusalem Post*.

Another interview with *Reuters* on the state of freedom of speech in Azerbaijan was also highlighted in *Turan* and *Panorama*.

The *Süddeutsche Zeitung* published an interview with the Commissioner on the National Socialist Underground (NSU) case as well as a comment on the press accreditation for the NSU trial, which was further mentioned by other media (*Allgemeine Zeitung Mainz, Andalou Ajansi, DPA, Spiegel, Die Welt, Stern*).

The visit to Estonia was also largely covered, including by a long interview with *Delfi* in Russian (*Delfi, Eesti Päevaleht, The Baltic Course, Baltic Daily, ITAR-TASS, Estonia Broadcasting Company, Delovye Vedomosti, Ria Novosti, Baltic News Service*).

The visit to Moldova was covered by the majority of the national media, including *Info Prim Neo, Kommersant, TRM*).

20 Minutes published an interview with the Commissioner on hate speech on social media. Coverage on other topics concerned the justice system in Italy (*Il Sole 24 Ore, La Repubblica, Avvenire, The Guardian, Adevarul*), the human rights situation in Latvia (*Radio Latvia, The Voice of Russia, Tass, Baltic Daily, LETA, TV Net Reitingi, Regnum*), LGBT (*Politiken, Norsk Telegrambyrå*), prisons (*Ansa, La Stampa, Alter Echos*), the ratification by Latvia of the Revised Social Charter (*TVNET, Baltic Daily*), the situation in Portugal (*Jornal de Notícias*), the Irish State apology to Magdalene laundries victims (*The Journal.ie*), the situation of ETA prisoners in Spain (*Europa Press, EFE, El Mundo*), the meeting with the German Parliament (*Deutscher Bundestag Aktuelle Meldungen*), the situation of Roma (*The Irish Times, MTI*) and NGOs in Russia (*Vedomosti*).

On 20 February, the Commissioner held a press briefing in the Council of Europe office in Brussels, where he spoke about the impact of austerity measures on human rights, immigration issues and Roma. Live tweeting took place during the briefing.

The number of followers on Twitter grew from 2951 to 3582; in addition, a Facebook account was opened. An update of the Commissioner's film has been initiated and should be finalised by mid-April.

The following human rights comments have been published:

Governments should act in the best interest of stateless children (15 January 2013)
Belarusian Human Rights Defenders Need Support (12 February 2013)

8. Next three months

April

- 04/04 Publication of CommHR report on “the former Yugoslav Republic of Macedonia”
- 03-12/04 Visit to the Russian Federation
- 16/04 Publication of CommHR report on Greece
- 18-19/04 « Journée consacrée à la lutte contre le racisme et la discrimination – présentation générale du thème et des grands principes du Conseil de l’Europe » and official meetings (Monaco)
- 23/04 Exchange of views with the Steering Committee on Media and Information Society
- 25/04 Presentation CommHR Annual Activity Report 2012 to PACE

May

- 14-15/05 Conference on “Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond” and official meetings (Oslo, Norway)
- 16/05 CM Ministerial Session
- 22-24/05 Visit to Azerbaijan
- 30-31/05 HR defenders roundtable and official meetings (Kyiv, Ukraine)

June

- 04-07/06 Visit to Spain
- 11/06 ECtHR seminar on “European law on asylum, borders and immigration” organised on the occasion of the publication of the Handbook on European law relating to asylum, borders and immigration (Strasbourg)
- 18/06 HELP conference “Transversality in the human rights training of legal professionals” (Strasbourg)
- 20/06 Speak-up! Conference on freedom of expression and media in the countries of the Western Balkans and Turkey, organised by DG Enlargement, European Commission (Brussels)

9. Observations and reflections

After one year serving as Commissioner for Human Rights of the Council of Europe, I am able to draw certain tentative conclusions about the role of the Commissioner's office in the broader Council of Europe landscape and the complementarity of the Council of Europe with other international organisations working in the field of human rights.

I believe the Commissioner's office can play a critical role in assisting member states in improving their judiciaries by addressing systemic problems leading to many applications before the European Court of Human Rights, pushing for implementation of court judgements, and utilising the results of CEPEJ and the Venice Commission to promote judicial reform. At the same time, the Commissioner's office can complement the work of the monitoring mechanisms by urging ratification of the relevant instruments and publication of CPT reports, as well as raising public awareness of thematic work conducted by the monitoring mechanisms and pushing for implementation of their recommendations. Regular exchanges with the political bodies – the Congress and the PACE – provide the opportunity to engage politicians and officials more systematically in human rights work.

The core added value of the Council of Europe and its “competitive advantage” with regard to partners such as the European Union and the OSCE are the binding nature of the Council of Europe's legal standards, as exemplified first and foremost by the case law of the Court. At the same time, the EU's Fundamental Rights Agency provides essential data on several human rights issues which are very useful for our work in 27 of the Council of Europe's 47 member states. UN agencies, particularly UNHCR country offices, as well as OSCE field missions, are trusted partners with good knowledge and insight of many human rights issues on the ground. At the same time, my office can have more of an impact on issues pertaining to freedom of expression when our messages are consistent with the work of the specialized mandates of the UN and OSCE on freedom of the media.

Thus far, all the member states of the Council of Europe have been very cooperative in facilitating the work of my office. I have learned that we have excellent interlocutors at the governmental level, but also among human rights defenders, ombudsmen and national human rights structures. Parliaments can play a critical role on pressuring governments to do more to meet human rights commitments, as well as pushing for the adoption and implementation of national human rights action plans. During country visits, I have been struck by a number of good practices in this regard. I have also learned that many countries are considering the adoption of such plans. I hope to facilitate more systematic work in this realm by convening a meeting of representatives from countries that have already adopted such action plans and those that are considering such a step.