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**by the Commissioner for Human Rights
Thomas Hammarberg**

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1. Overview

The Commissioner travelled on assessment missions or contact visits to Austria, Bosnia-Herzegovina, Cyprus, Moldova and Poland. The Commissioner's Annual report 2006 as well as memoranda on follow-up visits to Latvia, Lithuania, Poland and Sweden were presented to the Committee of Ministers.

The Office of the Commissioner for Human Rights organised the 10th Round Table with national Ombudsmen of Council of Europe member states on 12-13 April in Athens. On 1 June 2007, the Commissioner organised a small expert workshop entitled "*Human Rights challenges in the fight against terrorism: protecting the right to privacy*".

The Commissioner participated in the plenary debate of the Parliamentary Assembly on the state of human rights in Europe on 18 April 2007. As a side event to the PACE debate on human rights, the Commissioner organised a Roundtable on 17 April 2007 to discuss the challenges and perspectives for ensuring better protection and promotion of human rights in Europe.

The Commissioner addressed a conference on the religious dimension of intercultural dialogue in San Marino, organised under the San Marino chairmanship of the Committee of Ministers on 23 April. He delivered a keynote address at the 2007 Council of Europe Forum for the Future of Democracy, which opened on 13 June in Stockholm.

Finally, the Director of the Commissioner's Office changed in May. The new Director is Marc Scheuer. The Office structure will be reformed in the autumn.

2. Missions and visits

After consultations in New York with Security Council members, the Commissioner visited Sarajevo on 20-21 April to conduct further discussions on solutions to the issue of the Bosnian police officers who had been decertified by the UN International Police Task Force (IPTF).

He visited Cyprus on 3-4 May to engage in a dialogue with government ministers, national human rights structures, international representatives and NGOs working for reconciliation and human rights on the divided island. In talks with the Cypriot authorities, including the Foreign Minister, the Commissioner stressed the need for Cyprus to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, and the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He also focused on the situation of asylum seekers. Difficult human rights issues stemming from the conflict, affecting both communities, and the division of the island were covered in discussions with all interlocutors. Furthermore, the Commissioner gave an opening address to the UNDP Civil Society Fair, expressing support to civil society actors for their work on reconciliation, democratisation and human rights.

The Commissioner made a contact mission to Moldova on 8-9 May to discuss the human rights situation in the country with the state authorities and civil society representatives. Penitentiary Institution n°4 in Cricova and a pre-trial detention centre in Chisinau were also inspected. A letter with recommendations will be addressed to the Moldovan Government.

On 21-25 May, the Commissioner made an assessment mission to Austria. He met with members of the federal and Länder governments, including Chancellor Gusenbauer, other state and local authorities, ombudspersons and civil society representatives. Seven institutions or sites with human rights relevance were visited. The issues discussed included constitutional reform, the length of asylum procedures, freedom of expression and police complaints mechanisms. A report of the visit is currently under preparation and will be presented to the Ministers' deputies in the autumn.

On 4-8 June, the Commissioner carried out an assessment mission to Bosnia and Herzegovina, where he focused on the situation of internally displaced people and returnees, the rights of the Roma community and other minorities, the rights of women, children and youth, as well as education. The complicated administrative structure of the country and possible constitutional reform were also discussed during the visit. The Commissioner met with members of the state and entity-level governments, including Prime Minister Spiric, other state and local authorities, the Ombudsman and representatives of civil society. A report of the visit is currently under preparation and will be presented to the Ministers' deputies in the autumn.

3. Reports

The Commissioner's annual report 2006 was presented to the Ministers' Deputies on 11 April.

Memoranda on follow-up visits to Latvia, Lithuania and Sweden were presented to the Ministers' Deputies on 16 May. A memorandum on Poland was presented on 20 June. A report of the assessment mission to Germany and memoranda on follow-up visits to Denmark and Estonia will be presented on 11 July. The report on the assessment mission to Ukraine will be presented to the Ministers' Deputies in the autumn.

A report on the visit to Georgia, including the conflict zones of Abkhazia and South Ossetia, is under preparation and will be issued on the Commissioner's web-site. Letters will be addressed to the federal and regional authorities in Russia regarding the visit to the Chechen Republic of the Russian Federation.

The Commissioner has also addressed letters to the heads of governments of those member states which have not yet completely banned the corporal punishment of children. A complete ban is currently advocated by the United Nations and the Council of Europe Campaign "Building a Europe for and with children".

4. Meetings and conferences

Events organised by the Commissioner's Office

The Office of the Commissioner for Human Rights organised the 10th Round Table with national Ombudsmen of Council of Europe member states on 12-13 April in Athens (Greece). Organised together with the Ombudsman of Greece, the meeting was also attended by heads of National Human Rights Institutions (NHRIs) and a number of selected international experts. The aim of the Athens Round Table was to identify appropriate means to help supporting the long-term effectiveness of the ECHR control mechanism by a substantially enhanced co-operation between the Commissioner and the National Human Rights Structures (NHRSS).

A widespread consensus was expressed in favour of the principle of improving the co-operation between the Commissioner's Office and NHRSS in the light of the proposals set out by the Group of Wise Persons in their final report of November 2006. An improved exchange of relevant information on the Court's case-law was identified as the main need to be addressed rapidly. A number of NHRSS signalled their readiness to participate in pilot projects on specific action. The heads of NHRSS expressed the wish that training for their staff be organised to prepare for such co-operation. NHRSS also expressed a general consensus concerning the possibility to co-operate with the Commissioner's Office and other relevant bodies of the Council of Europe in the process of execution of judgments. To set this enhanced co-operation in motion, the Commissioner's Office will soon ask NHRSS to nominate focal points to better manage the co-operation activities. A first meeting with the focal points is envisaged in Strasbourg at the end of September 2007.

As a side event to the PACE debate on human rights, the Commissioner organised a Roundtable in Strasbourg on 17 April 2007 in order to discuss the challenges and perspectives for ensuring better protection and promotion of human rights in Europe. Leading representatives of the UN, OSCE and EU as well as key non-governmental human rights organisations took part. The round-table was supported and addressed by the President of the Parliamentary Assembly René van der Linden. The objective of this informal but high level gathering was to bring together the representatives of key institutions, inter-governmental as well as non-governmental, and to engage in a genuine debate concerning the implementation of human rights standards in Europe. The debate was centered around two main questions; the obstacles hindering the effective implementation of agreed standards and the existing institutional structure to ensure better protection of human rights.

On 1 June 2007, the Commissioner organised a small expert workshop entitled "*Human Rights challenges in the fight against terrorism: protecting the right to privacy*". The aim of the workshop was to gather together a select number of data protection and human rights experts from a variety of backgrounds, including data protection ombudsmen, government experts, representatives from International Organisations, and privacy NGOs.

The experts concluded that intelligence gathering has increased dramatically in the wake of 9/11, leading to what some called the "surveillance society". At the same time, there was very little public debate on privacy issues, and public awareness of data protection

was low. Some experts felt that many decisions taken at the European Union level were not sufficiently scrutinized by national parliaments. There was widespread concern at the proposal for a Council Framework Decision on the Protection of Personal Data Processes in the Framework of Police and Judicial Cooperation in Criminal Matters, which was said to weaken the current protection provided by International instruments, including the Council of Europe's own Convention No. 108.

Other meetings and conferences

The Commissioner visited the UN High Commissioner for Human Rights Louise Arbour and the Office of the Commissioner for Refugees in Geneva on 3-4 April. The discussions focused on specific country situations, in particular those recently visited by the Commissioner, and the offices' thematic priorities and modalities of closer cooperation.

On 14 April, the Commissioner presented the first FACE award (Film Award of the Council of Europe) to the French-Malian-US co-production entitled "Bamako" (The Court) during the award ceremony of the 26th International Istanbul Film Festival. Directed by Abderrahmane Sissako from Mauritania, the film was chosen out of ten films in the human rights section for the best reflection of the Council of Europe's values.

The Commissioner participated in the plenary debate of the Parliamentary Assembly on the state of human rights in Europe on 18 April 2007. With reference to the PACE report on the state of human rights and democracy in Europe, the Commissioner underlined the implementation deficit of human rights. While outlining the major human rights concerns in Europe, he pointed out that national action plans could be used to improve the implementation of human rights at the national level. The annual activity report 2006 of the Commissioner was also made available to the PACE session.

On 23 April, the Commissioner addressed a conference on the religious dimension of intercultural dialogue in San Marino, organised under the San Marino chairmanship of the Committee of Ministers. He underlined the connections between human rights work and religious practices particularly in terms of core ethical values of religions.

On 26 April, the Commissioner addressed a Council of Europe international conference on the fight against terrorism – "Why terrorism". He underlined that the reintroduction of torture in the fight against terrorism was a betrayal of the very ideals which had to be defended and that the prohibition of torture had to remain absolute.

On 27 April, the Commissioner for Human Rights attended a meeting of the EU Council Working Group on the OSCE and Council of Europe (COSCE) discussing cooperation between the EU, ODIHR and the Council of Europe on human rights. The Commissioner presented his current priorities and upcoming agenda and responded to questions from representatives of EU governments. He also held a series of bilateral meetings, including with Mrs. Daniele Smadja, Director of Multilateral Relations and Human Rights in DG External Relations.

During the 117th session of the Council of Europe's Committee of Ministers on 10-11 May, the Commissioner held bilateral talks with Mr. Vartan Oskanian, Foreign Minister of Armenia, Mr. Elmar Mammadyarov, Foreign Minister of Azerbaijan, Mr. Sven Alkalaj,

Foreign Minister of Bosnia and Herzegovina, Mr. Urmaz Paet, Foreign Minister of Estonia, and Mr. Frans Timmermans, Minister for European Affairs of the Netherlands.

The Commissioner delivered a keynote address at the 2007 Council of Europe Forum for the Future of Democracy, which opened on 13 June in Stockholm. He pointed out that respect for all human rights is a necessary condition for a flourishing democracy where everyone is empowered. During the Forum, the Commissioner also made a presentation on systematic work for human rights and the usefulness of national action plans in co-ordinating such work. Furthermore, during his visit to Sweden, the Commissioner held discussions with the Swedish Minister for Integration and Gender Equality Nyamko Sabuni on the Commissioner's recent memorandum to the Swedish Government on the situation of human rights in Sweden.

On 15 June, the Commissioner addressed the first meeting of chairpersons of parliamentary human rights committees in EU countries in Berlin. The meeting was hosted by the Chairperson of the Committee on Human Rights and Humanitarian Aid of the German Bundestag.

On 19 June, the Commissioner met with the EU Commissioner for External Relations Benita Ferrero-Waldner to discuss the results of his recent visits and the intensification of co-operation with the European Parliament, the European Commission, and the Fundamental Rights Agency.

The Commissioner addressed the 1000th meeting of Ministers' Deputies on 22 June in Belgrade. He called on the member states to make reality of agreed human rights standards also for deprived and marginalised groups, and warned against negative "politicisation" of human rights work.

The Commissioner met with the UN High Commissioner for Refugees António Guterres on 27 June in Strasbourg. The themes of discussion included rescue at sea and the need for burden-sharing, the increased use of tolerated stay for those seeking asylum, internal displacement in Chechnya and the issue of statelessness.

On 29 June, The Commissioner met with the Polish Prime Minister Jarosław Kaczyński in Warsaw to discuss the Commissioner's recent memorandum to the Polish Government on the situation of human rights in Poland.

5. Information Work

Fortnightly viewpoints have been published on the discrimination of Roma job seekers, lessons of the military take-over in Greece 40 years ago, independence of judges, homophobia, profiling in the fight against terrorism, freedom of expression and the respect for religions, and the democratic control of security agencies. The earlier viewpoints are now available as a single publication – *Human rights in Europe: Mission Unaccomplished*.

Public statements were made on the tragedies experienced by migrants on the Mediterranean sea (3 June) and on the decertification of police officers in Bosnia-Herzegovina (3 May).

On the World Press Freedom Day (3 May) the Commissioner replied to online questions on the theme.

6. Lessons learned

The understaffing of the Office continues to be a problem. One of the consequences has been that some of the reports have been delayed in spite of strict priorities and hard work. Measures are now being taken to give the report writing an even higher priority in the work of the Office and to secure this ambition already at the preliminary planning stage of assessment missions.

The Commissioner has decided to review the system of FU visits and memoranda. One reason is the decisions to undertake assessment missions to all Member States which have still not had such a mission and report within this year and the next. The type of FU visits undertaken so far by members of Office to review the implementation of the recommendations of the previous Commissioner will not be continued. This does not mean that all follow-up activities will have to wait until 2009. However, those undertaken will include the Commissioner and will address the current situation and not only be guided by previous recommendations. Steps will also be taken to establish a system of subregional desks in the Office in order to allow for a more continuous monitoring of developments in all Member States.

The Commissioner receives a high number of invitations to speak at human rights conferences at international, regional and national level. Though such participation would be useful in many instances, it has been necessary to limit such engagements in view of other priorities.

There is a growing trend in the media response to the activities and articles of the Commissioner. A renewed media strategy will be discussed and developed within the Office.

Very positive has been the development of the relationship with other structures within the Council of Europe. The Commissioner had a constructive meeting with the President and the Registrar of the Court to clarify what he could do in order to build on the procedures in the Court and to work for the execution of its judgements. Likewise, there is a continuous, very useful cooperation with the new merged DG on human rights in the Secretariat. The Commissioner believes these coordination efforts are important and should be pursued.

7. Next three months

- Summer University of Democracy (2 July)
- Seminar on ECHR judgements on Chechnya, Moscow (3-4 July)
- Meetings with government representatives and NGOs, Moscow (5-6 July)
- Meeting with journalists and HR activists, London (7 July)
- Committee of Ministers: Assessment report on Germany, FU memoranda on Denmark and Estonia (11 July)
- Assessment mission to Azerbaijan (3-7 September, dates tbc)
- Conference on "International Justice for children", Strasbourg (13-14 September)
- Contact mission to Romania (20-21 September)
- CommHR Workshop on Housing Rights, Budapest (24-25 September)