



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



Strasbourg, 18 September 2013

CommDH(2013)16

---

## **2<sup>ND</sup> QUARTERLY ACTIVITY REPORT 2013**

---

**by Nils Muižnieks  
Commissioner for Human Rights**

1 April to 30 June 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.....	10
4. Themes .....	14
5. Other Meetings .....	17
6. Human rights defenders.....	18
7. Communication and Information work.....	19
8. Next three months.....	21
9. Observations and reflections .....	22

## 1. Overview

In the second quarter of 2013, I touched upon issues related to police misconduct in a number of country visits, reports and media interventions pertaining to Greece, Russia, Spain, Azerbaijan and Turkey. News reports suggest that the issue is not confined to these countries, but is widespread throughout the Council of Europe. Among the categories of police misconduct I have encountered were: 1) death in police custody due to ill-treatment; 2) ill-treatment – some of it severe - in police custody; 3) disproportionate use of force during demonstrations and/or apprehensions; 4) police violence targeting minorities and migrants; and 5) abusive stops and searches targeting minorities and migrants. These are particularly serious human rights violations, as the task of the police is to protect the public. Moreover, for many minorities (particularly Roma) and migrants, the police are the first and often the primary representatives of the state with which they have contact.

It is essential for member states to combat impunity for police misconduct so that victims receive justice, future misconduct by law enforcement officials is deterred, and public trust in and co-operation with law enforcement can be strengthened. Political leadership is the key, as law enforcement is often very hierarchical – signals sent by politicians, particularly ministers of interior, are rarely ignored. Pardons of law enforcement officials convicted of misconduct, inadequate sanctions for ill-treatment, or political rhetoric justifying such misconduct sends a signal that bad behaviour will not be punished. This is unacceptable.

Places of police detention should have conditions in line with the standards of the European Committee on the Prevention of Torture (CPT). The prompt publication and wide discussion of CPT country reports can have an important awareness-raising impact. The installation of cameras and on-arrival medical checks can prevent some cases of ill-treatment. Regular monitoring by an ombudsman, a National Prevention Mechanism, and/or civil society organisations can also act as a safeguard against ill-treatment or degrading conditions.

Also necessary is a clear legislative and policy framework that reduces the chances for misconduct and punishes it when it occurs. There should be clear guidelines on the use of force by police, which should only take place as a last resort. In the selection, recruitment and promotion of police, special attention should be paid to reports of past misconduct, racist attitudes, and the ability of individuals to withstand stressful situations. Law enforcement should have clear and strict guidelines on police identification numbers, which should always be worn in the field. The identification numbers of riot police should be attached to the front of helmets and/or shields, be large enough to be seen from a distance and brief enough that members of the public can commit them to memory.

Many investigations of police violations are ineffective, as it is often members of the same force who are investigating their colleagues and there is sometimes a “code of silence” about protecting one’s own. Thus, my office and other human rights bodies have often advocated the creation of independent police complaints mechanisms. Though such mechanisms can be considered a best practice, unfortunately, they are rare and unlikely to be established in many countries due to budget cuts and austerity. Another

solution which is more widespread is to empower ombudsmen's offices to investigate complaints about the police.

Police work is often very challenging, especially when protesters turn violent or police are outnumbered, unprepared, or overworked. To lessen the likelihood of police misconduct, governments should also pay attention to the social and economic rights of police officers, such as adequate pay, sufficient rest, and psychological support. Rigorous, human rights-based training throughout a career path is also essential. Here, the Council of Europe has much to offer and can facilitate peer-to-peer exchanges.

A second, sometimes related issue that I dealt with in various contexts in this past quarter was racism and racist extremism. I published a human rights comment on the challenges racist extremists pose to European democracies. I also participated in a training session on racism for law enforcement officials in Monaco and a high-level seminar on hate speech in Norway. Racist violence, the challenge posed by a racist extremist party, and racism in the police were all central to a much-cited report I issued on Greece. On a related topic, I also took part in the launch of a joint European Court of Human Rights and the European Union's Fundamental Rights Agency handbook on migration and asylum law.

While harmonising anti-racist law and enforcing it more vigorously is important, just as essential is addressing policy measures that feed into racism. Among these measures are the criminalisation of migration, the lack of immigrant and refugee integration policies, and the maintenance of segregated housing and schooling for persons of different ethnic, religious and linguistic backgrounds. Such segregation most commonly affects Roma populations throughout Europe. I sought to address issues pertaining to the integration of diverse societies, including the need to promote majority-minority interaction, minority participation and non-discrimination in country reports on "the former Yugoslav Republic of Macedonia" and Estonia.

## **2. Missions and Visits**

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

The Commissioner carried out a visit to the Russian Federation from 3 to 12 April 2013. The main purpose of the visit was to discuss issues related to the administration of justice and the protection of human rights in the justice system in the Russian Federation. The Commissioner paid particular attention to the ongoing reforms in the judiciary, prevention of ill-treatment, and the ongoing work to address the structural problems identified in the case-law of the European Court of Human Rights. The visit coincided with a series of nation-wide inspections of non-commercial organisations; therefore, the Commissioner continued to raise with his official interlocutors issues affecting the work of human rights defenders, as a follow-up to his previous visit to Moscow in October 2012.

As part of this visit, the Commissioner travelled to Kazan (Republic of Tatarstan); Moscow and Saint Petersburg. In Kazan, the Commissioner had meetings with the following officials of the Republic of Tatarstan: Mr Rustam Minnikhanov, President; Mr Ildar Khalikov, Prime Minister; Mr Farid Mukhametshin, Chairman of the State Council;

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

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

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

On the theme of administration of justice, the Commissioner welcomed the introduction of non-custodial pre-trial measures (such as house arrest). These measures should be systematically promoted and applied in order to reduce the extensive use of pre-trial detention in the justice system. The introduction of a domestic remedy for length of proceedings through the adoption of a Compensation Act in 2010 has led to a substantial reduction in the number of cases before the European Court of Human Rights related to non-enforcement or delayed enforcement of domestic judgments. The Commissioner also discussed the reform of the supervisory review procedure, which is essential to ensure the principle of legal certainty and the efficiency of the justice system as a whole. Other topics discussed included the independence of judges, access to free legal aid, and the application of interim measures ordered by the European Court of Human Rights in cases of extradition.

During his visit to Kazan and at federal level, the Commissioner discussed measures to prevent ill-treatment by the police and to ensure accountability in any such cases, one well-known example being the official response following the death of a person as a result of severe ill-treatment in the police station "Dalniy" in March 2012. The actions

taken by the authorities in that case included dismissals and criminal charges brought against the police officers concerned, renewed investigations of previous allegations of ill-treatment and the introduction of preventive measures, such as cameras in holding cells. The Commissioner underlined that sustained long-term efforts are needed in order to prevent similar cases from happening in other places. In this context, he welcomed the decision of the Russian authorities to request the publication of the report of the CPT on its 2011 visit to the North Caucasus and encouraged the authorities to do so systematically in respect of the CPT's reports. The role of the public oversight commissions established to monitor the human rights situation in places of detention should be further expanded, and its members should undergo regular training to improve their capacity to effectively perform their functions.

The reform of the police force was initiated following the entry into force of the new Federal Law on Police in 2011, and a Roadmap on future reform strategies was developed in 2013. The Commissioner recommended that the authorities should continue to pursue efforts to ensure that law enforcement officials are recruited through a competitive and selective process and are appropriately trained, and that modern methods are used in criminal investigations and proper practices applied in the questioning of criminal suspects.

As regards the inspections of non-commercial organisations following the entry into force of the new legislation, the Commissioner has reiterated his concerns which he already signalled to the authorities on the occasion of his previous visit to the Russian Federation in October 2012. In particular, he regretted that the 2012 Law on Non-Commercial Organisations Performing the Function of Foreign Agents contained a very broad and vague definition of the notion of political activity. He also expressed serious concern about the use in the Law of the term "foreign agent", which carries a negative connotation in the Russian historical context. The Russian authorities have acknowledged the important role played by non-governmental organisations in public life and their contribution to the decision-making process; this is reflected in the fact that such organisations are members of various officially-established consultative and advisory bodies to the federal, regional and local authorities, as well as in their participation in the public oversight commissions monitoring the situation in places of detention. Notwithstanding this positive trend, the current official rhetoric and on-going inspections have had a "chilling effect" on the work of these organisations. As a follow-up to his discussions on the above-mentioned issues, on 15 July the Commissioner published his Opinion on the legislation of the Russian Federation on non-commercial organisations in light of the Council of Europe standards.

The report on the administration of justice in the Russian Federation is forthcoming.

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

On 19 April, the Commissioner delivered a keynote speech, entitled "Combating racism in Europe", at a conference in Monaco on the subject of racial discrimination and racism. The speech, which is available on the Commissioner's website, warns about the rise of such tendencies in Europe, and highlights key problems such as racism in political ideologies and discourse, the marginalisation and exclusion of Roma, policies which stigmatise and have other negative effects upon the human rights of migrants, the rise of racist hate crimes, and criminal justice policies which have a discriminatory impact upon minorities, such as racial profiling. While referring to international efforts in this domain,

the Commissioner stressed the need for stronger efforts to combat racism at a national level.

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

### ***Mission to Oslo***

From 13 to 14 May, the Commissioner participated in the conference “Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond” organised by the Norwegian Ministry of Foreign Affairs, and had related discussions with Norwegian officials and the national human rights institution. In his intervention at the conference, the Commissioner outlined the legal and policy framework related to hate crime in Europe. He stressed that racist hate crime was particularly pernicious and had dramatic effects on both individuals and society as a whole. In addition to establishing an effective legal framework against hate crime, state policies should be reviewed for any racist bias as biased policies could in fact provide tacit support for hate crimes.

During his visit to Oslo, the Commissioner met Ms Grete Faremo, the Minister of Justice and Public Security of Norway, Mr Arne Fliflet, the Parliamentary Ombudsman, and Mr Nils A Butenschøn, the Director of the Norwegian Human Rights Centre.

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

The Commissioner carried out a visit to Azerbaijan from 22 to 24 May 2013. The visit focused on recent human rights developments, in particular concerning freedom of expression, notably on the Internet, freedom of assembly and association, and the right to property.

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

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

At the end of the visit, the Commissioner called on the authorities to release all persons who are in detention because of the views they hold and express. In parallel, the authorities should bring the long-standing work on the reform of defamation legislation to a successful conclusion, by ensuring that it provides for defamation to be dealt with through proportionate fines and not imprisonment.

As regards freedom of assembly, the Commissioner noted that restrictions in practice were going well beyond those which are permissible according to human rights standards. Not only have peaceful protesters been effectively banned from demonstrating in central Baku since 2006, but recent months have seen a harshening of the fines and the use of administrative detention for those who organise or participate in unauthorised public gatherings.

Regarding freedom of association, the Commissioner was concerned that problems relating to the registration of non-governmental organisations had not abated. The Venice Commission identified some shortcomings in its 2011 Opinion on the legislation of non-governmental organisations of Azerbaijan, such as the absence of a specific time-frame within which an agreement on the registration of the local branches of international NGOs must be signed with the Ministry of Justice, resulting in unduly long delays. The Commissioner called on the authorities to swiftly address these deficiencies.

Finally, several interlocutors expressed concerns about continuous demolitions of houses in the centre of Baku, which allegedly have no legal basis. The Commissioner was informed that a number of cases relating to these demolitions are now pending before the European Court of Human Rights. Instead of awaiting the outcome of these cases, the Commissioner stressed the need for the Azerbaijani authorities to better implement the Court's case-law and ensure that an effective remedy exists at national level.

The report on this visit was published on 6 August.

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

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

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

The Commissioner carried out a visit to Spain from 3 to 7 June, focusing on the impact of the economic crisis and austerity measures on human rights, in particular those of children and of persons with disabilities, as well as on human rights protection in the context of action of the law enforcement forces, notably in the context of demonstrations.



During his visit, the Commissioner held meetings with the national and regional authorities, including the Minister for Health, Social Affairs and Equality, Ms Ana Mato Adrover, the State Secretary of Justice, Mr Fernando Román García, the Undersecretary for Education, Culture and Sport, Mr Fernando Benzo Sainz, the Ambassador for Human Rights, Mr Juan Manuel Cabrera Hernández, the General Director of the National Police, Mr Ignacio Cosidó Gutiérrez, the Civil Guard Lieutenant General, Mr Pablo Martín Alonso and Lieutenant General Claudio Cardiel Ojer, Ms María del Mar Moreno Ruiz, Delegate for Education of the Andalusian government and Ms María Jesús Montero Cuadrado, Delegate for Health and Social Affairs of the Andalusian government.

The Commissioner also met with the national Ombudsman, Ms Soledad Becerril Bustamante, and the Ombudsman of Andalusia, Mr José Chamizo de la Rubia. In Madrid, he also held a meeting with various representatives of the Ministry of Health, Social Affairs and Equality in charge of childhood and persons with disabilities.

While noting with concern that about 30% of Spanish children are at risk of poverty and that an increasing number of children face nutrition problems, the Commissioner invited the authorities to assess and limit the negative impact of budgetary cuts on children and other vulnerable social groups. He stressed that social protection, access to health care, adequate housing and quality education are crucial rights, protected by the UN Convention on the Rights of the Child, which cannot be ignored even in times of strict austerity measures.

The Commissioner expressed his concern about the lack of clarity in the planned changes concerning civic education in schools. He stressed that human rights education is key for combating all forms of discrimination and intolerance and for developing generations of active and responsible citizens in a democratic society.

In the area of disability, the Commissioner expressed concern about the increasingly adverse impact that budgetary restrictions have on the enjoyment by persons with disabilities of their human rights, notably those concerning their autonomy and access to public services.

Lastly, Commissioner Muižnieks paid particular attention to the compliance of the law enforcement authorities with human rights standards, notably in the context of anti-austerity demonstrations, highlighting that the frequently reported lack of identification of police officers during demonstrations prevented effective investigations and sanctioning for possible abuse. In addition, he called on the Spanish authorities to discontinue the practice of granting pardons to law enforcement officials convicted for serious human rights violations, such as torture.

The Commissioner's report on this visit is forthcoming.

### **3. Reports and continuous dialogue**

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

On 9 April, the Commissioner published a report following his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, focusing on transitional justice and social cohesion and the human rights of Roma.

The Commissioner acknowledged the milestones reached since the signing of the Ohrid Framework Agreement, including the development of legislation on local self-government and the use of languages, as well as equitable representation. However, he expressed regret that the deep politicisation along party lines and political patronage limited the impact of that progress, and stressed the responsibility of all political and public actors in bridging interethnic divisions and building a more cohesive society.

Whereas “the former Yugoslav Republic of Macedonia” has a well-developed system of education in non-majority languages, the concomitant phenomenon of school segregation must be tackled. Highly politicised debates on education have often been reduced to a zero sum approach on community rights, which ultimately penalises children and young persons who can only benefit from the possibility to learn about and from one another. Efforts towards pursuing integrated and multilingual education policies should be redoubled.

The Commissioner urged the authorities to take action to address the lack of accountability for serious human rights violations committed during the 2001 conflict, and emphasised the principle that amnesties should not be applied to such cases. Every effort should be made to clarify the fate of the remaining fourteen persons who went missing during the conflict, and priority should be given to identifying durable solutions for the 95 internally displaced persons who remain in collective centres.

A legal framework on non-discrimination has been put in place and an equality body - the Commission on Protection Against Discrimination - has been established. The Commissioner recommended that the institution be given the necessary support to discharge its mandate independently and effectively, and endorsed the Ombudsman’s recommendation concerning the full implementation of the legislative framework on non-discrimination and the need to support awareness-raising campaigns on the subject.

The Commissioner expressed concern about the proportionality and constitutionality of the lustration process and noted the Venice Commission’s Amicus Curiae Brief on the subject, where it was observed that the very introduction of lustration such a long time after the beginning of democratisation raises doubts as to its actual goals. Emphasising that lustration should never be used for political or personal purposes, the Commissioner called upon the authorities to ensure that the Constitutional Court’s decisions on the matter are fully respected.

While welcoming efforts already undertaken to improve the situation of Roma, the Commissioner underlined that serious problems persist, with many Roma trapped in a cycle of poverty and unemployment, residing in separate neighbourhoods often featuring unacceptable living conditions. In addition, while some of the positive measures aimed at promoting the inclusion of Roma children have borne results – including the doubling of

Roma enrolment in public universities over a seven-year period – the Commissioner expressed deep concern at the overrepresentation of Roma in special schools for children with disabilities and recommended that this issue be addressed urgently.

In response to EU demands for effective management of migratory outflows, in 2011 the authorities introduced various measures, including information campaigns, legislative amendments, and enhanced exit controls, targeted at preventing nationals from making “unfounded” asylum applications in EU member states. As a result, from December 2009 until the end of November 2012, about 7000 Macedonian citizens were not allowed to leave the country, with Roma clearly being affected disproportionately. Finding that such measures interfere with the internationally established right to leave a country and that they undermine the right to seek asylum, the Commissioner pointed out that it was crucial to address the root causes of poverty and social exclusion which push individuals to seek refuge abroad in the first place.

Significant progress has been achieved in recent years towards the elimination of statelessness, which - along with the lack of personal identity documents - can obstruct the enjoyment of basic rights by many Roma. However, the problem has yet to be fully resolved, and efforts to this end should continue at the national and regional levels. Finally, while welcoming the assistance that has already been provided to Kosovo\* Roma refugees, the Commissioner called on the authorities to step up their efforts to resolve the legal status of such persons, with a view to enabling the full and effective local integration of those who cannot or do not wish to return to Kosovo.

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

### ***Report on Greece***

On 16 April, the Commissioner published a report following his visit to Greece from 28 January to 1 February 2013. The report focused on intolerance, hate crime, the role of the judiciary and the law enforcement authorities in combating these phenomena and impunity.

The Commissioner expressed his deep concern about the steep increase in hate crimes, especially against migrants, a number of which have been linked to members or supporters, including parliamentarians, of the neo-Nazi political party “Golden Dawn”. He noted that this wave of attacks threatens the rule of law and democracy in Greece. He also regretted that rhetoric stigmatising migrants was widely used in Greek politics and urged the authorities to be firm in condemning all instances of hate speech and hate crime. In addition, the Commissioner invited the authorities to design and implement measures to improve migrants’ integration as well as intercultural dialogue.

The Commissioner stressed that all available means should be used to effectively sanction individuals and organisations which incite intolerance and hate, by making use of binding international standards. Such sanctions may be criminal and combined with restrictions on the activities of individuals and political organisations advocating for or

---

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

implicated in hate crimes. He called on the authorities to implement domestic anti-racism law and to accelerate the adoption of the bill concerning racism and xenophobia through criminal law. Systematic, continuous training in human rights and antiracism law and practice for the police, coast guard, prosecutors and judges was also noted as necessary.

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

The Commissioner deplored the persistent reports of ill-treatment, including torture, committed by law enforcement officials. He urged the authorities to effectively investigate, prosecute and sanction all instances of abuse so as to eliminate the institutional culture of impunity and address effectively all suspicions of links of a part of the police with “Golden Dawn”. In this context, he insisted on the need to establish an independent, effective complaints mechanism concerning the action of law enforcement authorities. He also recommended that the 70 newly established anti-racist police units be adequately resourced and their staff trained in human rights and anti-discrimination.

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

The report is available on the Commissioner’s website in English and Greek, along with the authorities’ comments.

### ***Report on Estonia***

On 20 June, the Commissioner published a report following his visit to Estonia from 25 to 27 March 2013. The report focuses on the economic crisis and its effects on the enjoyment of human rights, the independence and effectiveness of national human rights structures, and the human rights of children.

The Commissioner expressed concern about the long-term effects of the economic crisis, especially in terms of child poverty and unemployment among young people. He stressed that the on-going economic recovery in Estonia should be accompanied by reinforced protection minima for the general population and targeted positive measures for vulnerable groups of people. Measures have to be taken to alleviate youth unemployment and prevent deprivation and social exclusion among children and young people. A stable social protection minimum is essential for preventing the transmission of the effects of the crisis to future generations.

The Commissioner welcomed the Estonian ratification of the UN Convention on the Rights of Persons with Disabilities and called for the preparation of a national strategy for its implementation in close co-operation with people with disabilities. There is a need to establish an independent mechanism to monitor the implementation of the Convention.

Disability-related benefits should be reviewed to ensure that social protection needs and requirements for long-term sustainability are met.

The Commissioner observed that a long-standing socio-economic gap between ethnic minorities and the majority population had become more pronounced following the economic crisis and that it was perpetuated among young people. He urged the Estonian authorities to develop and implement policies to address the long-term unemployment and social exclusion of ethnic minorities. Any language requirement in the labour market should be proportionate, including with reference to the geographical location and sector of employment concerned. Diversity and equality planning in the labour market should become a regular practice in the private and public sectors alike.

As regards access to justice, the Commissioner welcomed the recent reduction of court fees, the introduction of remedies for excessively lengthy proceedings and the reform of the system of legal aid. He urged the speedy adoption of the new State Liability Act to ensure compensation for those court cases which are delayed for years without a valid reason.

With reference to national human rights structures, the Commissioner noted that the Gender Equality and Equal Treatment Commissioner was seriously understaffed and underfunded, and called on the Estonian authorities to strengthen this institution so that it can fulfil its mandate effectively. In addition to responding to individual complaints about discrimination, the Equality Commissioner should be able to raise awareness, provide advice to authorities and carry out independent research. The Commissioner also encouraged the authorities to establish or designate an internationally accredited national human rights institution which would become the focal point for promoting human rights in the country.

In the field of the rights of the child, the Commissioner highlighted the fact that there are 1181 stateless children under the age of 15 in Estonia. Although parents can use a simple and accessible procedure to acquire Estonian nationality for their stateless children, the authorities also bear responsibility for preventing statelessness among children. The Commissioner urged the government to initiate a reform of the Citizenship Act so that citizenship is granted automatically at birth to children who would otherwise be stateless. It is in the best interests of the child to acquire nationality at birth as citizenship consolidates the enjoyment of human rights.

The Commissioner expressed satisfaction with the on-going reform of the Child Protection Act. The new Act should outline the applicable standards for child protection and clearly identify the respective responsibilities of central, regional and municipal authorities. Sufficient staff and expertise for child protection should be made available in every municipality. There is a need to place particular emphasis on the development of psychiatric and psychological care for children as well as preventive measures and early detection.

Alternative care of children should be reviewed to fulfil the legal requirements for an adequate number of qualified staff for all substitute homes. Minimum standards for the basic needs of children living in alternative care have to be clearly established. Further efforts are needed to provide assistance to foster families and to prepare young persons to live independently after they have left alternative care.

The Commissioner stressed that sexual abuse, violence and bullying in schools continue to be serious problems in Estonia. Corporal punishment is still accepted by many adults. The Commissioner called on the Estonian authorities to prohibit corporal punishment of children in all settings through explicit legal provisions. A systematic and firm response is necessary to address all violence and abuse against children, including internet-based abuse. Children should be informed about their right to be protected from violence and about the services available to them as victims of violence.

The Commissioner encouraged the Estonian authorities to proceed with the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the Convention on Preventing and Combating Violence against Women and Domestic Violence.

The report is available on the Commissioner's website.

## **4. Themes**

### ***Racist extremism***

On 5 May, the Commissioner published a Human Rights Comment entitled "Europe must combat racist extremism and uphold human rights", in which he highlighted the worrying intensification of the activities of racist extremist organisations, including political parties, experienced across Europe. The Commissioner expressed his deep concern that the European community and national political leaders appear not to be fully aware of the serious threat that these organisations pose to the rule of law and human rights. The increased influence and presence of racist extremist political parties at national and European level lends legitimacy and credibility to political extremism which is often linked to racist crimes. Commissioner Muižnieks urged member states to give effect to the standards contained in the 1966 International Convention on the Elimination of All Forms of Racial Discrimination, especially its core provision of Article 4 concerning the sanctioning of racist organisations, and to ensure the protection of human rights through the eradication of impunity, effective protection of victims, and systematic, on-going awareness work notably through education.

### ***Asylum and immigration***

On 11 June, the Commissioner spoke at the seminar on "European law on asylum, borders and immigration" organised in Strasbourg on the occasion of the launching of the Handbook on European law relating to asylum, borders and immigration, by the European Court of Human Rights and the European Union Agency for Fundamental Rights. Commissioner Muižnieks stressed that the current European migration policy which views migrants primarily as a security concern is in contradiction with the right to seek and enjoy asylum and with the principle of non-refoulement. The Commissioner also expressed concern at the continued criminalisation and detention of migrants in many European countries, which contributes to their stigmatisation and may encourage violence against them. Finally, the Commissioner stressed the necessity to overhaul the current concept of migration management in Europe, including the "Dublin" asylum-related system which exposes asylum seekers to a series of risks, not least to difficulties

in accessing asylum procedures and often containing them in countries where they have no viable prospects.

### ***National Human Rights Structures***

On 6-7 May, the Office participated in the 26th session of the International Coordinating Committee of National Human Rights Institutions (NHRIs) and a meeting of the European Network of NHRIs in Geneva. The plenary discussions of the meeting focused on the 20-year anniversary of the Vienna Declaration and Plan of Action, and the Paris Principles on the functioning of NHRIs. The European Network highlighted the effects of the economic crisis on NHRIs. A representative of the Office presented the Commissioner's activities in the field of NHRIs.

### ***Human rights of LGBTI people***

On 11 April, the Commissioner called on the Croatian authorities to clarify the legal framework governing the official recognition of trans persons' preferred gender, in the context of the ongoing reform of the Croatian Registries Act. In letters to the Minister of Public Administration, Mr Arsen Bauk, and to the Chairperson of the Parliamentary Gender Equality Committee, Ms Nansi Tireli, the Commissioner drew the authorities' attention to the recommendations contained in the report "Discrimination on grounds of sexual orientation and gender identity in Europe". The letters are available on the Commissioner's website.

On 16-17 May, the Office participated in the International IDAHO 2013 Forum organised by the Dutch government in The Hague. This major LGBTI event brought together representatives of governments, international organisations and European and national NGOs representing LGBTI persons. The EU lesbian, gay, bisexual and transgender survey, carried out by the Agency for Fundamental Rights, was published on the occasion, and its results showed a high level of discrimination on the grounds of sexual orientation and gender identity, especially in the field of education. The European NGO ILGA-Europe also launched its annual review of the human rights situation of LGBTI people at the event. The conference highlighted the need for systematic work within the EU to combat discrimination experienced by LGBTI persons.

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

On 13 June, the Office participated in a meeting "Austerity and Human Rights in Europe: the impact of European austerity policies on the realisation of economic, social and cultural rights" organised by the European Network of National Human Rights Institutions in Brussels. The meeting focused on the situation in Greece, Ireland and Spain. A representative of the Office participated in a panel debate on the need for a review of austerity policies in the light of human rights obligations.

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

On 3 May, World Press Freedom Day, the Commissioner published a Human Rights Comment (*'Press freedom in the digital age: new threats, new challenges'*), in which he highlighted that bloggers, reporting citizens and others active on the Internet have joined traditional journalists in the ranks of those who are at risk of retaliation by state authorities or interest groups. The protection and safety of journalists must therefore be

strengthened in a manner that is as inclusive as possible, including not only journalists in the formal sense, but all those reporting in the public interest. Referring to current practices of arbitrary filtering and blocking, unjustified surveillance and prosecution for legitimate online speech, the Commissioner stressed that the new and diffuse nature of the Internet should never be taken as a pretext for introducing new limitations to the exercise of fundamental rights and freedoms that go beyond what is allowed by international standards. Proportionality and judicial oversight are two particularly key principles that should be systematically applied in accordance with the case-law of the European Court of Human Rights. While recognising the need to pursue dialogue with the different stakeholders of the governance of the Internet, the Commissioner considers that the State's primary responsibility for protecting human rights must be reaffirmed.

On 6 June, the Commissioner and the OSCE media freedom representative, Dunja Mijatovic, jointly expressed serious concern at further restrictions to free expression in Azerbaijan, following the promulgation by the President of Azerbaijan of amendments extending the application of criminal defamation provisions to online expression on 4 June. The officials regretted this step, which clearly contradicts Azerbaijan's commitments and obligations relating to the decriminalisation of defamation and freedom of expression in general. Noting that the Azerbaijani authorities are currently engaged with the Council of Europe Venice Commission on the reform of Azerbaijan's defamation legislation, they strongly urged the Azerbaijani authorities to deploy genuine efforts to ensure that this process results in legislation that complies fully with the European Convention on Human Rights and OSCE commitments on freedom of the media, both online and offline.

On 20 June, the Commissioner participated in the *Speak Up!2* Conference organised by EU DG Enlargement on freedom of expression and media in the Western Balkans and Turkey. The Conference brought together some 450 participants from international, regional and national organisations dealing with freedom of expression, as well as journalists, media analysts and decision-makers from the enlargement countries. The aim was to assess progress achieved in these countries since the previous *Speak Up!* Conference, held in March 2011, and to identify remaining issues and the way forward. Among the issues highlighted for follow-up feature: the legal framework on defamation; legislation and practice resulting in disproportionate limitations to free expression; violence and threats against journalists; media concentration and transparency of media ownership; independence of media market regulators; independence of public service media; and professional journalism. The Commissioner, who was invited to moderate the final session on "the way forward", underlined the specific obligations incumbent on all countries in question, as member states of the Council of Europe, with respect to a number of the aforementioned areas. He stressed that these obligations and, more generally, the relevant Council of Europe standards constitute obvious invaluable assets in the context of the increasing attention being paid by the EU to issues of freedom of expression and media freedom as part of its enlargement process.

### ***Human Rights of persons with disabilities***

On 21 and 22 May, the Commissioner's Office participated in a conference on legal capacity and community living of persons with disabilities organised in Belgrade in the context of the EU-funded regional project *Person*. This project involves civil society organisations from Serbia, Bosnia and Herzegovina, Croatia, Kosovo and Turkey which advocate for the rights of persons with disabilities and focuses in particular on legal



capacity and de-institutionalisation. The conference gathered national and international experts in this field, members of international organisations, representatives of the authorities and the judiciary of Serbia, civil society representatives and persons with disabilities. The Commissioner for the Protection of Equality of Serbia, Nevena Petrušić, opened the conference and contributed to the discussion. The Commissioner's Office presented the main findings and recommendations contained in the Commissioner's two relevant Issue Papers: "Who gets to decide: Right to legal capacity for persons with intellectual and psychosocial disabilities" and "The right of people with disabilities to live independently and be included in the community."

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

On 5 June, the Commissioner expressed concern at the extremely disproportionate use of force by the police against demonstrators in Gezi Park in Istanbul, Turkey, which had sparked demonstrations in many Turkish provinces. He called for an immediate stop to the use of force against peaceful demonstrators; effective investigations into all allegations of human rights violations by law enforcement officials; and the securing of a fully human rights-compliant treatment of demonstrators taken into police custody. The Commissioner stressed the need for the Turkish authorities to establish genuine channels of dialogue with civil society. While acknowledging the difficulty of policing in such high-tension situations, the Commissioner underlined that the events referred to revealed the urgency of addressing the root causes of police violence in Turkey, a long-standing problem highlighted in many judgments of the European Court of Human Rights. He indicated his readiness to assist the Turkish authorities in this endeavour.

## **5. Other Meetings**

### ***Conference of the European Programme for Human Rights Education for Legal Professionals***

On 18 June, the Commissioner addressed the Conference of the European Programme for Human Rights Education for Legal Professionals (HELP Programme) on "Cross-cutting issues on human rights training for legal professionals", which took place in Strasbourg. In his speech on "[t]he role of legal professionals in defending human rights and preserving the human rights protection system" (available on the Commissioner's website), the Commissioner stressed that rights without enforcement are little more than hollow promises and that a crucial step for keeping these promises is a well-trained legal profession. His work in different countries indicated that non-discrimination, hate crimes, hate speech and the use of alternative measures to pre-trial detention are often areas in which legal communities could benefit from training. The Commissioner also stressed that, by ensuring the correct application of the ECHR at domestic level, well trained judges, prosecutors and lawyers are the best emissaries of subsidiarity, the principle on which the European human rights protection system is based. The Commissioner furthermore underlined the need to overcome the stigma which is still sometimes attached to receiving training. Finally, referring to "bad decisions" sometimes continuing after "good training", the Commissioner also invited further reflection about obstacles that might reduce the impact of training in different national contexts.

### ***Vienna+20 Conference***

On 27-28 June, the Office participated in a conference “Vienna+20: Advancing the Protection of Human Rights - Achievements, Challenges and Perspectives 20 Years after the World Conference”, organised by the Austrian Federal Ministry for European and International Affairs and the Office of the UN High Commissioner for Human Rights in Vienna. This international expert conference focused on the right to an effective remedy, the implementation of the human rights of women, and a human rights based approach for the post-2015 development agenda. A representative of the Office contributed to the discussions on the development agenda with particular reference to the rights to participation, transparency and accountability in the context of the economic crisis.

## **6. Human rights defenders**

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

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

An expert from the Polish Helsinki Foundation for Human Rights analysed the main trends based on experiences in Central and Eastern European countries. The potential for abuse arises in the context of access to personal data and use of billing information from telecommunications operators, and very serious violations have resulted from co-operation in the framework of counter-terrorism activities (e.g. CIA secret detention facilities and operations). There is also a persistent problem of involvement of the security sector in political processes, and of targeting political opponents and civil society actors. Freedom of access to information by the public, as well as effective judicial control over wiretapping and surveillance measures, are important safeguards against abuse.

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

A number of oversight and monitoring mechanisms, mainly relating to the situation in closed institutions (e.g. prisons, police) have been put in place in different countries of the region with the participation of human rights NGOs. These bodies, including National Preventive Mechanisms established under the Optional Protocol to the UN Convention Against Torture, do not always function properly and have a limited mandate. Participants continued to raise grave concerns about the lack of effective investigations into cases of torture and ill-treatment committed by security sector and law enforcement

officials, and highlighted the need for greater transparency regarding the functioning and activities of the security sector. Some participants proposed that the work of investigative bodies also be subject to civic oversight and assessment.

A report on the Round-Table is forthcoming.

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

On 10 and 11 June, the Office of the Commissioner took part in a meeting convened in Warsaw by the OSCE/ODIHR Human Rights Department aimed at developing OSCE/ODIHR Recommendations on the protection of human rights defenders (the Recommendations). The meeting brought together the main inter-governmental (Office of the UN High Commissioner for Human Rights, OSCE/ODIHR, EU/European External Action Service and the Council of Europe Office of the Commissioner for Human Rights and Secretariat of the Parliamentary Assembly) and non-governmental actors (Amnesty International, International Federation for Human Rights, Front Line Defenders, Human Rights Watch, Human Rights House Foundation, World Organisation Against Torture, etc.) working on the protection of human rights defenders at the international level. The meeting will be followed by consultations with human rights defenders working at the national level throughout the OSCE region.

Participants discussed the gaps, challenges and good practices in relation to the situation of human rights defenders and their working environment. They also exchanged views about the key themes of the Recommendations, which will be launched in 2014, the methodology, consultation process and follow-up. The Office of the Commissioner shared its experience on the basis of the work it conducts in relation to human rights defenders (country and thematic work, Round-Tables with defenders, etc.).

## **7. Communication and Information work**

The main coverage during the last quarter concerned the situation in Greece and the visits to the Russian Federation and Spain.

The report on Greece received widespread coverage, both nationally and internationally, with a main focus on the possibility of banning “Golden Dawn”, but with reference also to the asylum system and the increase of hate crimes in the country (*AFP, Le Monde, Reuters, BBC, ARTE TV, Financial Times, Washington Post, Les Echos, Enet, Ansa, Protothema, La Vanguardia, Globalpost, The Seattle Times, DPA, Liberation, Agence Belga-RTBF, ABC, Agência Lusa, Neue Zürcher Zeitung, Le Nouvel Observateur, Agence Europe, EUObserver, Novinite, Der Tagesspiegel, Utrinski vesnik*). The topic continued to be followed by the media, in particular the Commissioner’s call to stop hate crimes in Greece, with numerous media covering the report and interviews, also in connection with the assault against the Mayor of Athens (*The Guardian, International Business Times, SME, RTV, International Herald Tribune, The Times, Die Tageszeitung, Financial Times, The Independent, To Vima, Skai, Kathimerini, New Europe, AFP, Radio Chine, UPI, Athens News Agency, El País, La Croix, SKAI*).

Furthermore, the Commissioner's position on the Greek Government's decision to shut down the public service broadcaster was covered with two *Associated Press* news items, which were republished worldwide, in particular by *BBC*, *ABC*, *Washington Post*, *RAI*, *Kathimerini*, *ProtoThema*, *Eleftherotypia*, *The Irish Times*, *TVXS*, *To Vima*, *YLE*, *B92*, *Tanjug*, *Novosti*, *Nederlands Dagblad*, *SITA* and *Pravda*.

A press conference was organised at the end of the visit to the Russian Federation. The media focused mainly on the observations made by the Commissioner on the situation of NGOs and of the justice system in the country (*Associated Press*, *Reuters*, *BBC*, *Le Figaro*, *AFP*, *ANSA*, *Radio Free Europe*, *Rossiskaya Gazeta*, *Radio Ekho Moskv*, *Vedomosti*, *The Moscow Times*, *Norsk Telegrambyrå*, *Interfax*, *ITAR-TASS*, *Ria Novosti*, *Radio France Internationale*, *ASI*, *RBC*, *New Europe*, *Vesti*, *NRA*, *EFE*, *Hirado*).

At the end of the visit to Spain a press conference was held in Madrid. The media covered in particular the Commissioner's observations regarding children's rights and education for citizenship (*RTVE*, *El País*, *EFE*, *ABC*, *El Mundo*, *Europa Press*, *Cadena SER*, *AFP*, *Ansa*, *Euroexpress*, *Extremadura progresista*, *Servimedia*, *Diario Siglo XXI*, *Málaga Hoy*, *El Periódico de Catalunya*, *El Periódico Córdoba*, *Diario de Mallorca*, *Faro de Vigo*, *La Opinión de A Coruña*, *De Groene Amsterdammer*, *Diario Progresista*).

The visit to Azerbaijan and the concerns expressed regarding freedom of expression and assembly in the country were broadly covered (*AFP*, *Reuters*, *BBC*, *Deutsche Presse Agentur*, *Radio France International*, *Vesti*, *Contact*, *Zerkalo*, *Transitions Online*, *Turan Information Agency*, *APA*, *Radio Free Europe*, *Agentschap Belga*, *Press Tv*, *Armenia Radio*, *Panorama*, *The Moscow Times*, *Novinky*, *Kyiv Post*).

On the occasion of international Roma day, an interview was published in *Huffington Post Italy*, in which the Commissioner reiterated his concerns about the situation of the Roma, in particular as regards access to housing, education and integration opportunities. *The Financial Times* published quotes of the interview with the Commissioner on the situation of Roma in Italy, while the *CTK Daily News* mentioned the Commissioner's concerns regarding the segregation of Roma pupils in schools.

The report on "the former Yugoslav Republic of Macedonia" was covered by various media (*MIA*, *Utrinski vesnik*, *Dnevnik*, *Deutsche Welle*, *Balkan Insight*, *MTV 1*, *Sitel*, *Kanal 5*, *Nova Makedonija*, *Nova TV*, *Zhurnal*, *Southeast European Times*).

The situation of stateless children in Estonia was the main topic picked up by the media covering the report. A long interview with *Postimees* was published, together with an article based on the press release. Further media covering the report were *Baltic Daily* and *Ria Novosti*.

The annual report was covered with articles published by *Le Monde*, *Delfi*, *Agence Europe* and *Romea*, and with an opinion editorial published in *New Europe*.

The letters addressed to the Minister of Public Administration and to the Chairperson of the Parliamentary Gender Equality Committee in Croatia concerning the legal framework governing the official recognition of trans persons' preferred gender was mentioned by *Jutarnji list*, *Večernji list*, *TPortal*, and *HINA*.

Further coverage was given to the Commissioner's condemnation of the threats received by the Speaker of the Italian Parliament (*AFP, La Presse, La Stampa, ANSA, Avvenire, Le Monde, Le Point*), to the Human Rights Comment on press freedom in the digital age (*ANSA, SKY TV 24, Mladina, Demokracija, RAI Giornale*), migration (*Associated Press, Der Spiegel, The Irish Times, Open Democracy, La Stampa*), Ukraine (*For-ua.com*), LGBT in Georgia (*Interfax*), prisoners' voting rights in Scotland (*Holyrood*), citizenship law in Latvia (*Latvian News Agency*), racist extremism (*ANSA, Il Corriere della Sera*), Turkey (*ANSA, Ntvmsnbc, Today's Zaman, Chian*), and youth unemployment (*The Independent*).

An opinion editorial on surveillance and human rights was published in *The Guardian*. The same newspaper further referred to the Commissioner's position in an additional article. *ANSA* also reported on the declaration on data protection made during a press briefing in Brussels in June.

On 20 June the Commissioner held a press briefing in the Council of Europe office in Brussels, during which he discussed with about 10 journalists issues pertaining mainly to the visits to Russia and Azerbaijan, surveillance and migration issues. The briefing was live-tweeted.

The number of followers on twitter grew from 3 582 to 4 357, and a comparable increase was recorded in the interactions on Facebook. An update of the Commissioner's film was finalised and uploaded on the Commissioner's youtube page and website in April. The Commissioner's website received 23 582 unique visitors.

The following Human Rights Comments were published:

Europe must combat racist extremism and uphold human rights (May 13),  
Press freedom in the digital age: new threats, new challenges (May 3).

## 8. Next three months

### July

01-05/07	Visit to Turkey
09-12/07	Srebrenica 11 July memorial ceremony, speech at the Summer University and high-level meetings in Sarajevo

### September

04/09	3 <sup>rd</sup> party intervention (ECtHR Grand Chamber)
23-27/09	Visit to Albania
30/09-06/10	PACE Session

## 9. Observations and reflections

Over recent months, I have become growingly concerned about the situation of human rights defenders throughout the Council of Europe region. Austerity and budget cuts have pulled the financial rug out from NGOs in many countries, as donors have cut support, individuals and businesses can no longer afford to give money or time, and ministry budget lines for co-operation with civil society or outsourcing various social services have been slashed.

Human rights defenders advocating the rights of LGBTI persons (particularly in Eastern Europe and the Western Balkans) or migrants (in Western Europe) have come under attack or pressure in many countries. At the same time, the legislative and policy environment for NGOs in some countries has deteriorated markedly. This was highlighted by participants at a roundtable of human rights defenders from the post-Soviet region my Office organised in Kyiv, Ukraine.

While pressure has increased on many human rights defenders, we recently learned government surveillance has not been limited to critics of government and those raising uncomfortable questions with the authorities. Millions of our phone conversations, e-mails and other communications have been subject to large-scale surveillance, ostensibly for national security reasons. The scope of the so-called PRISM programme and European complicity in it is as yet unclear. As I noted in an op-ed published in the *Guardian*, there is an urgent need to reassert the role of human rights safeguards, including real parliamentary oversight, and the right to private life in the context of anti-terrorist surveillance.

This appears to be the second chapter of the saga begun after 9/11, when human rights were so often sacrificed on the altar of national security. Many European governments have still not brought clarity or accountability to their collusion with the United States in gross human rights violations such as “extraordinary rendition”, torture, and illegal detention without trial in CIA “black sites”. Initial reactions to Mr Snowden’s revelations give hope that European governments will be more up front about illegal surveillance. Here, though, we will need to bring the internet and communications industry to the table, as it appears to have facilitated government surveillance and breaches of our privacy.

The Council of Europe can contribute much to the emerging debate on data protection and privacy in the context of national security, as EU data protection standards exclude issues related to national security. In addition to privacy, we should also be examining safeguards against the use by certain political actors of illegal surveillance over their competitors. This was highlighted by the eruption over recent months of a number of wiretapping and secret filming scandals in a number of countries.