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## **2<sup>ND</sup> AND 3<sup>RD</sup> QUARTERLY ACTIVITY REPORTS 2012**

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## 1. Overview

The first six months of my mandate as Commissioner for Human Rights have gone smoothly, thanks in no small part to my predecessor Thomas Hammerberg, who handled the transition very professionally and left the Office in excellent shape. As a newcomer to the Office, I felt it necessary to become intimately acquainted with the country and thematic work to date, the thinking behind various decisions and the organisation and daily functioning of the Office. Though I had some knowledge of the Council of Europe through my previous work at the European Commission against Racism and Intolerance (ECRI), I also spent some time learning about the work of other bodies within the organisation and the history of their interaction with the Office.

A second part of my introduction to the Office has involved getting better acquainted with external partners, particularly those in the United Nations (UN), the Organization for Security and Co-operation in Europe (OSCE), and the European Union (EU). Over the previous months, I have had good working meetings with the UN High Commissioner for Human Rights in Geneva and the Director of the UN's Brussels office, as well as with representatives of the UN High Commissioner for Refugees in both Geneva and in field offices. I have also met with the Director of the OSCE's Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Representative on Freedom of the Media. Finally, in the course of several trips to Brussels and Vienna, I have forged good relations with the various parts of the European Commission, the External Action Service, and the Fundamental Rights Agency. I discovered that there is much complementarity between the mandate and working methods of my Office and those of external partners, but that regular, intense communication will be necessary to capitalise on that complementarity.

In the first months of my mandate, I have also clarified and begun to act upon my long-term thematic priorities. Before assuming office, I had publicly announced that one priority would be to work with those states that generate the most cases before the European Court of Human Rights and seek to address the structural causes leading to the complaints. This was the rationale for focusing on the efficiency of the judiciary during a recent country visit to Italy. I intend to follow up on this first report in Italy, as well as to conduct similar work in other high case-count states, to which visits are pending.

A second priority – the impact of the economic crisis on human rights – is more of a meta-theme or context that will run through much of the country and thematic work. The impact of financial austerity on the most vulnerable groups, especially children, the disabled, older persons and Roma, was the focus of a country report on Portugal. I have discussed the impact of austerity on human rights with the Parliamentary Assembly, ministers of justice seeking to curtail the risk of urban violence, and the media, which has shown great interest in the topic. My first Human Rights Comment was devoted to the role of national human rights structures and the crisis. I intend to develop our work on this topic further through brainstorming with external experts, such as the UN Special Rapporteur on extreme poverty and human rights.

A third priority that I have begun to work on is media freedom with a focus on the protection of journalists and freedom of expression in both traditional and new, online media. I devoted my second Human Rights Comment to the protection of journalists,

laying out recent trends in Europe and summarising what governments should do. I have participated in several conferences on media freedoms, including one organised by the European Federation of Journalists and another by the Irish Chairmanship of the OSCE. I also exchanged views on media freedom with the PACE. I devoted another Human Rights Comment to recent efforts in some member states to curtail the freedom of expression of those promoting the rights of lesbian, gay, bisexual and transgender (LGBT) persons.

A fourth priority thematic area involves issues related to discrimination, racism and intolerance. I focused on equal treatment legislation and the functioning of equality bodies in country reports on Austria and Finland. Discrimination and hate speech targeting Roma were treated in country reports on Portugal and Italy. I discussed discrimination and prejudice against Muslims in a Human Rights Comment, while providing media commentary on xenophobia and attacks against migrants in Greece and other countries.

## **2. Missions and Visits**

### ***Visit to Portugal***

The Commissioner carried out a visit to Portugal from 7 to 9 May, which focused on the impact of the economic crisis and fiscal austerity measures on human rights, in particular on some of the most vulnerable social groups: children, older persons and the Roma.

The Commissioner held discussions with the authorities, including the Minister of Solidarity and Social Security, Mr Pedro Mota Soares, the Minister of Justice, Mrs Paula Teixeira da Cruz and the Secretary of State and Assistant Minister for European Affairs, Mr Miguel Morais Leitão. He also met with the Portuguese Ombudsman, Mr Alfredo José de Sousa and his team, with the President of the National Commission for the Protection of Children and Young People at Risk, Mr Armando Leandro, and the Executive Secretary of this Commission, Mr Ricardo Carvalho, and with the High Commissioner for Immigration and Intercultural Dialogue, Mrs Rosário Farmhouse.

During his visit, the Commissioner held meetings with representatives of non-governmental organisations active in the field of human rights and of trade unions. He also visited the premises of the NGO “Support to Childhood” (IAC) in Lisbon, used to carry out a programme for the protection of street children.

A report on the visit was published later in July (see below).

### ***Visit to Austria***

The Commissioner visited Vienna from 4 to 6 June in order to discuss the system for promoting and protecting human rights in Austria and the human rights of vulnerable groups, in particular asylum-seekers, persons with disabilities, women, and older persons.

During the visit, the Commissioner held discussions with representatives of the national authorities, including the Federal Minister of Labour, Social Affairs and Consumer Protection, Mr Rudolf Hundstorfer, the Federal Minister for Women and the Civil Service,

Ms Gabriele Heinisch-Hosek, the Ministry for European and International Affairs State Secretary, Dr. Wolfgang Waldner and the State Secretary in the Federal Chancellery, Dr. Josef Ostermayer. The Commissioner also met with national human rights bodies, namely the Austrian Ombudsman Board and a representative of the Human Rights Advisory Board, the Austrian Ombud for Equal Treatment, members of the Federal Equal Treatment Commission and the Equal Treatment Commission and staff members of the Federal Disability Ombudsman Office, as well as with civil society representatives.

The Commissioner visited the Federal Reception Centre East at Traiskirchen where he spoke with residents, including unaccompanied asylum-seeking children, families and single mothers. At the end of his visit, the Commissioner met with elderly patients and staff at the interdisciplinary Socio-Medical Centre Baumgartner Höhe Otto-Wagner-Hospital and Care Centre.

A report on the visit was published later in September (see below).

### ***Visit to Finland***

The Commissioner's visit to Finland, which took place from 11 to 13 June, focused on systematic work for implementing human rights, non-discrimination and reform of equal treatment legislation, and human rights of the indigenous Sámi people. In the course of the visit, the Commissioner engaged in a dialogue with representatives of the national authorities, including the President of the Republic of Finland, Mr Sauli Niinistö; the Minister for Foreign Affairs, Mr. Erkki Tuomioja; the Minister of Justice, Ms Anna-Maja Henriksson; and the Minister of Health and Social Services, Ms Maria Guzenina-Richardson. He also met Finnish parliamentarians and the President of the Sámi Parliament, Mr Klemetti Näkkäljärvi.

The Commissioner visited national human rights structures in Finland and met with the Parliamentary Ombudsman, Mr Petri Jääskeläinen; the Deputy Chancellor of Justice, Mr Mikko Puumalainen; the Ombudsman for Minorities, Ms Eva Biaudet; the Director of the Human Rights Centre, Ms Sirpa Rautio; and the Deputy Ombudsman for Gender Equality, Ms Anja Nummijärvi. In addition, the Commissioner held discussions with non-governmental organisations working in the field of human rights and made an on-site visit to the Leevi housing units for older persons in Helsinki.

A report on the visit was published later in September (see below).

### ***Visit to Italy***

The Commissioner visited Italy from 3 to 6 July in order to review certain human rights issues in Italy, focusing in particular on the excessive length of court proceedings, the human rights of Roma and Sinti and the human rights of migrants, including asylum seekers and refugees.

During the visit, the Commissioner held discussions with representatives of the national authorities, including the Minister of Justice, Ms Paola Severino, the Minister of the Interior, Ms Annamaria Cancellieri, and the President of the Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Mr Pietro Marcenaro, as well as with other members of the Extraordinary Commission. The Commissioner also met the First President of the Court of Cassation, Mr Ernesto Lupo,

and the Vice-President of the High Council of the Judiciary, Mr Michele Vietti. The Commissioner also held discussions with representatives of the National Office against Racial Discrimination (UNAR), professional associations of magistrates and lawyers, as well as intergovernmental and non-governmental organisations active in the field of protecting human rights.

During his stay in Rome, the Commissioner had the opportunity to visit the Identification and Expulsion Centre (CIE) in Ponte Galeria, the Roma camps of Salone and Salviati II, as well as an abandoned university building in the south-eastern periphery of Rome, which was inhabited by refugees or other beneficiaries of international protection.

A report on the visit was published later in September (See below).

### ***Mission to Albania***

The Commissioner went to Albania from 4 to 6 September, where he participated in the event “*Tribute from the European Youth to the people who saved the honour of humanity during the Holocaust*”, organised by the Albanian Chairmanship of the Committee of Ministers. In his speech the Commissioner stressed that some of the broader ‘habits of mind’ that underpinned the Holocaust have not gone away- racialised thinking, conspiracy theories, the tendency to search for scapegoats and dehumanise the ‘other’. They are not only present among right-wing extremists, but have made broader inroads into mainstream society. He emphasised that we have a duty to remember the past and remain vigilant today in order to build societies which are immune to the appeals of racist, totalitarian ideologies.

In the course of this mission the Commissioner met the Prime Minister, Mr Sali Berisha, the Minister of Justice, Mr Eduard Halimi, the Minister of the Interior, Mr Flamur Noka, the Minister of Labour, Social Affairs and Equal Opportunities, Mr Spiro Ksera and the Prosecutor General, Ms Ina Rama. He also met with the Ombudsman, Mr Igli Totozani and the Commissioner for Protection from Discrimination, Ms Irma Baraku. The Commissioner held meetings also with civil society representatives.

The Commissioner discussed with his interlocutors human rights issues related to the Commissioner’s Special Report on the events of 21 January 2011, published on 22 February 2011, the administration of justice, and measures to combat discrimination.

## **3. Reports and continuous monitoring**

### ***Report on Portugal***

On 10 July, the Commissioner published a report following his visit to Portugal from 7 to 9 May 2012. The report focuses on the impact of the austerity measures on the human rights of three particular groups: children, older persons and the Roma. It highlights the impact of cuts in social support and benefits on the enjoyment by children of their human rights, the risk of increased domestic violence against children, as well as of a possible resurgence of child labour. The Commissioner also underlined the impact of budgetary restrictions on access to education.

Regarding older persons, the Commissioner expressed concern that financial cuts, combined with an increase in prices of transportation, electricity and access to health care, have resulted in more poverty and social exclusion for many older persons, especially those living in isolated areas. Moreover, he underlined the risks associated with the withdrawing by many families of older persons from residential care in order to benefit from additional income in the form of their pensions. He stated that de-institutionalisation is a welcome process but it should be carried out as part of comprehensive policies and with additional support for the older persons and families concerned. Otherwise, it may result in higher levels of abuse, including violence and neglect. Indeed, the Commissioner expressed concern at reports indicating that violations of the human rights of the elderly were on the increase in Portugal.

Whilst noting that measures have been taken by the authorities to mitigate the impact of austerity measures, particularly through the programme of social emergency, the report underlined that more should be done to ensure that the rights of children and older persons are effectively respected and that the austerity measures of the last two years do not undermine the achievements made through policies carried out in the last decade. He also stressed the need for a human rights-based impact assessment notably of the programme of social emergency.

As regards the Roma, the Commissioner expressed deep concern at the continued discrimination against Roma, especially in the areas of housing and education. He noted that many Roma families were reported to continue to live in substandard and segregated housing, and that resettlement programmes were hampered by financial constraints. The fact that a number of Roma pupils continue to be taught in separate classes was also underlined as an issue of major concern. The Commissioner reiterated his firm view that that integration into mainstream education should be favoured so as to ensure that all Roma pupils have equal access to quality education. Moreover, whilst welcoming the adoption by the authorities of a National Strategy for the Integration of Roma Communities, he noted that the latter had not yet been formally approved by the government. He therefore urged the authorities to adopt the strategy and to ensure the allocation of adequate resources for its effective implementation.

Finally, the Commissioner welcomed the fact that the budgets of National Human Rights Structures, such as the Ombudsman, had not been disproportionately affected by austerity measures. However, he regretted that non-governmental organisations involved in human rights work and in the provision of services to vulnerable social groups face growing difficulties, even though an ever-increasing number of persons turn to them for support as a result of the financial crisis. He invited the authorities to enhance dialogue and cooperation with civil society organisations on poverty-alleviation policies and social policies in general.

The full report is available on the Commissioner's website, together with the comments from the Portuguese authorities.

### ***Report on Austria***

On 11 September, the Commissioner published a report following his visit to Austria from 4 to 6 June 2012. The report focused on the national system for protecting and promoting human rights and the human rights of vulnerable groups, in particular asylum-seekers, persons with disabilities, women, and older persons.

While commending Austria's well-established system for promoting and protecting human rights, the Commissioner calls on the Austrian authorities to close certain gaps, including through the ratification of Protocol No. 12 to the ECHR, which provides for a general prohibition of discrimination. He appreciates the forthcoming ratification of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, in this context, the strengthening of the Austrian Ombudsman Board. However, the legal and institutional framework against discrimination, which is characterised by considerable fragmentation, should be kept under review. Affording the same level of protection across the different grounds of discrimination should be a priority.

Noting a certain complexity in the current asylum system due to numerous reforms, the Commissioner recommends enhancing transparency and legal certainty. He encourages the Austrian authorities to extend asylum-seekers' access to the labour market and further develop the system for free legal aid. Material conditions in pre-deportation facilities need to be reviewed. The Commissioner calls upon the authorities to ensure that the best interests of the child is always duly taken into account with regard to unaccompanied and separated asylum-seeking children and that a guardian is appointed throughout the stay of these children in Austria.

The Commissioner welcomes that a National Action Plan for Persons with Disabilities is currently being drafted in Austria. This provides an opportunity for improving consultation with the persons concerned and their full participation in decision-making. The Commissioner stresses the need to ensure that in all areas covered by the plan, the applicable standards are adhered to in all Länder. The authorities are encouraged in particular to: further the system of inclusive education; step up their measures for securing independent living and providing access to the built environment; and to pursue ongoing efforts towards the establishment of a system of supported decision making for persons with intellectual and psychosocial disabilities.

The Commissioner notes that despite measures taken to achieve gender equality, progress appears to be rather slow, in particular regarding the gender pay gap, with lack of adequate childcare facilities and persisting gender stereotypes playing a significant role. He welcomes the measures taken to combat violence against women and domestic violence. These should be complemented through a speedy ratification of the Istanbul Convention and improvements in the collection of relevant statistical data. Welcoming the action taken to counter trafficking in human beings, the Commissioner calls on the authorities to step up their measures for victim identification, including during asylum and deportation proceedings.

In view of the fact that Austria is gradually developing into a demographically ageing society, the Commissioner welcomes the strengthening of the mechanisms to ensure consultation and participation of older persons. The Austrian authorities are called upon to pursue their efforts to ensure that social protection systems, health care, housing policies, and anti-discrimination legislation, including in the labour market, take the specific needs of older persons fully into consideration. Particular attention ought to be paid to the vulnerability of older people requiring services and care in institutions or at home.



The full report is available on the Commissioner's website together with the comments of the Austrian authorities

### ***Report on Italy***

On 7 September, the Commissioner published a report following his visit to Italy from 3 to 6 July 2011. The report covers the problem of the excessive length of court proceedings, as well as the protection of the human rights of Roma and Sinti and of migrants, including asylum seekers.

The Commissioner pointed to numerous underlying causes of the problem of excessively lengthy court proceedings in Italy, one of the longest-standing human rights problems to which the ECHR system has been confronted. These include: several factors contributing to the caseload of courts; procedural issues; and problems relating to court management and the role of lawyers. He also observed that past efforts had failed to deliver a lasting solution, since they had been piecemeal, failed to integrate an evidence-based approach, or did not benefit from the full collaboration of all stakeholders.

The Commissioner considered that Italy needed a holistic rethinking of its judicial and procedural system, as well as a shift in judicial culture, with a concerted effort from the Ministry of Justice and the High Council of the Judiciary, as well as judges, prosecutors and lawyers. He particularly encouraged the Italian authorities to pay more attention to organisational and management aspects for courts and judges in accordance with Council of Europe recommendations, in the light of the positive example of the First Instance Court of Turin. The Commissioner also expressed his concerns about the clear malfunctioning of the existing domestic remedy for excessively lengthy proceedings, which should be revised and complemented with an acceleratory remedy, and called on Italian authorities to pay without delay compensations already awarded by domestic courts.

As regards Roma and Sinti, the Commissioner welcomed the adoption of Italy's first national strategy for the inclusion of Roma and Sinti as a promising sign of a shift in focus from coercive measures to social inclusion. However, he was concerned about the mixed signals sent by the continuation of past practices associated with the "Nomad emergency", such as forced evictions and construction of segregated camps, as well as the drastic reduction of the resources of the national body charged with the co-ordination of the implementation of the strategy.

The Commissioner was very concerned that anti-Gypsyism remained prevalent in political discourse and the media, which fuelled violent hate crimes against Roma and Sinti. He urged the Italian authorities to step up their efforts to combat hate speech and violence directed against these groups. The Commissioner also encouraged the Italian authorities to resolve the long-standing problem of *de facto* statelessness among these populations, and expressed his hope that a working group foreseen in the national strategy will be able to define adequate solutions to this problem.

As regards the protection of the human rights of migrants, including asylum seekers, the Commissioner welcomed political declarations that Italy will no longer pursue "push-backs" to Libya, in accordance with the *Hirsi Jamaa* judgment of the European Court of Human Rights. All migrants, including those intercepted, should have full access to the asylum procedure. The Commissioner also emphasised the need to ensure that human

rights violations similar to those who gave rise to the Court's judgment do not occur as a result of other bilateral treaties, in particular with Egypt and Tunisia, as well as of automatic returns of migrants to Greece.

The Commissioner made a number of recommendations to address deficiencies in Italy's reception system for asylum seekers, which are mainly linked to the fragmentation of the system and the increase in reception needs following the events in Northern Africa. He further expressed concern that many recognised refugees and other beneficiaries of international protection are forced to live in destitute conditions and relegated to the margins of society, owing to the near absence of an integration framework, widespread discrimination in the labour market and numerous administrative obstacles for exercising their rights. Finally, the Commissioner urged the Italian authorities to improve the conditions in administrative detention in identification and expulsion centres (CIEs), which have not been adapted to the progressive extension of the maximum detention period from 2 to 18 months.

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

### ***Report on Finland***

On 25 September, the Commissioner published a report following his visit to Finland from 11 to 13 June 2012. The report focuses on systematic work for implementing human rights, non-discrimination and reform of equal treatment legislation, and human rights of the indigenous Sámi people.

In his report, the Commissioner welcomed the recent steps Finland has taken to systematise the implementation of human rights, in particular through the adoption of the country's first National Action Plan on Fundamental and Human Rights (2012-2013) which includes 67 projects on a wide variety of themes. A Government network of contact persons in the different ministries has been established to monitor and report on the implementation of the Action Plan. Civil society, trade unions and local authorities will be involved in monitoring the Action Plan. In spring 2012, two new bodies joined the human rights architecture in Finland: an independent Human Rights Centre and an associated Human Rights Delegation, both administratively attached to the Office of the Parliamentary Ombudsman. It is planned that these three entities will jointly constitute a National Human Rights Institution in accordance with the UN Paris Principles.

The Commissioner considered that one of the weaker points of the development of the Action Plan was that it was not coordinated with the budgetary process to secure dedicated funding for the measures envisaged. In addition, the resources made available to the Human Rights Centre are not commensurate with the wide-ranging tasks of the institution. It is essential to ensure good communication between the newly established networks of human rights actors so that their full potential can be achieved. The evaluation of the National Action Plan and the Government's next Report on Human Rights Policy provide an ideal opportunity for assessing the effectiveness of the human rights architecture in Finland.

The Commissioner observed that Finland has made significant progress in achieving gender equality, most notably in the field of political participation. However, the gender pay gap hovers at 17.9%, and violence against women is a problem which requires

serious attention. The current Action Plan to reduce violence against women will require further resources and coordination to meet its targets. The lack of sufficient emergency shelters should be addressed as a matter of priority. The Commissioner called upon Finland to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence without delay.

The Commissioner was particularly concerned about racist hate speech, also expressed by certain politicians, and the extreme marginalisation of young Somali persons. The prosecutors and courts should pursue diligently cases of racially-motivated incitement to hatred. While a National Policy on Roma is already being implemented, it would benefit from more inclusive involvement of Roma. Similarly, specific consultative mechanisms should be set up between the authorities and the Russian-speakers and Somalis, so that problems can be identified and addressed.

The Commissioner welcomed the Finnish plan to deinstitutionalise persons with intellectual disabilities. He encouraged the prompt ratification of the UN Convention on the rights of persons with disabilities, and stressed the importance of involving people with disabilities in its implementation. The planned Act on Care Services for Older People will have to fulfil the need for equally affordable care services of adequate standards, regardless of the place of residence. Particular challenges are faced in the supervision of services provided in domestic settings, as well as in addressing the vulnerability of older persons to abuse, including by persons close to them.

The Commissioner welcomed the explicit prohibition of homophobic hate crime in the Finnish Penal Code and urged the authorities to extend such a specific provision to cover transphobic hate crime as well. The Finnish authorities should give particular attention to improving the protection afforded to trans people and intersex persons. Infertility and non-marriage requirements for the official recognition of gender reassignment should be abolished.

The Commissioner welcomed the aims of the current reform of the national equal treatment legislation: extending the coverage to all grounds and fields of discrimination, and strengthening the legal safeguards, sanctions and equality bodies so that they afford a similar level of protection to all persons. However, the proposed protection system remains institutionally complex, especially in the field of employment. The Commissioner underlined the importance of preserving accessibility of the protection framework for all victims of discrimination and recommends avoiding unnecessary fragmentation of equality bodies.

The Commissioner urged Finland to recognise Sámi rights to land and to reindeer herding in the traditional manner, and to ratify the International Labour Organization Convention No. 169 concerning indigenous peoples. Sámi representatives should be involved in the ratification process. The on-going negotiations for the Nordic Sámi Convention underscore the inter-state dimension of the Sámi issue and may highlight positive practices and possibilities for a harmonised approach.

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

## 4. Themes

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

During the period covered, the Commissioner has continued to give priority to freedom of expression and media freedom, with a special focus on Internet freedom and human rights.

On World Press Freedom Day (3 May), the Commissioner participated in a conference organised in Brussels by the European Federation of Journalists (EFJ) on the challenge of balancing racial, cultural and religious sensitivity with the right to freedom of expression. In the speech he delivered, the Commissioner stressed that freedom of expression and the right to be free from discrimination are complementary, not conflicting rights. He also addressed media self-regulation, which translates a desire to see media structures themselves develop ethics that protect individuals or group interests from unacceptable abuse in the media, thereby demonstrating that state interventions are not necessary. However, in his view, existing systems have not been particularly effective in most European countries. An urgent discussion is therefore needed on how self-regulation can be improved. The Commissioner's speech is available online.

On 5 June, the Commissioner also published a Human Rights Comment ("*Continued attacks in Europe: journalists need protection from violence*") in which he insisted that governments should treat violence against journalists with the utmost seriousness, as such attacks aim at the core of our democracies. The Commissioner stressed that governments and politicians need to signal very strongly that such attacks are unacceptable and will not go unpunished: they need to initiate prompt, thorough and transparent investigations and bring perpetrators to justice, and the punishment should reflect the seriousness of this crime.

On 18 June, the Commissioner took part in the Dublin Conference on Internet Freedom, organised by Ireland in the framework of its Chairmanship in Office of the OSCE. The conference was devoted to the challenges to freedom of expression and media freedom online and the debate around Internet governance. It included participants from the OSCE participating states and civil society in the OSCE region, the ICT sector, academia and the media. The Commissioner participated in a high-level panel discussion on how to ensure that the Internet remains an open, global and public forum for exercising freedom of opinion and expression and for facilitating the enjoyment of other human rights and fundamental freedoms. In his contribution to the discussions, the Commissioner focused on the Internet as the "last haven" for free expression, potential threats to the free flow of online information and data protection. The Commissioner's speech is available on his website.

Finally, during the Summer Session of the Council of Europe's Parliamentary Assembly, the Commissioner held an exchange of views on media freedom with members of the Committee on Culture, Science, Education and Media.

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

On 7 May, the Commissioner's Office participated in a colloquium entitled "CRPD and EU Structural Funds: The way ahead for independent living" in Brussels. This colloquium was organised by the Office of the UN High Commissioner for Human Rights (OHCHR) – Regional Office for Europe, and focused on the use of EU Structural Funds in the light of the obligations of the EU and its member states under Article 19 of the CRPD (right to live independently and be included in the community). In the course of the proceedings, the Commissioner's Office informed the participants of the recommendations laid out in the Issue Paper on the right of people with disabilities to live independently and be included in the community, published in March 2012.

On 7-8 June, the Commissioner's Office participated in a conference organised by the European Agency for Fundamental Rights (FRA), the Danish Ministry of Social Affairs and the Danish Institute for Human Rights in Copenhagen. During the conference, which focused on the autonomy and inclusion for persons with intellectual and psychosocial disabilities, FRA presented two new reports on the experiences of exclusion and discrimination faced by these persons in EU member states. The conference and its working groups focused on several issues, such as the right to political participation, involuntary placement and treatment, de-institutionalisation, right to having a family, bullying and harassment and legal capacity. On the latter topic, the Commissioner's Office delivered a presentation on the recommendations laid out in the Issue Paper entitled "Who gets to decide? Right to legal capacity for persons with intellectual and psychosocial disabilities" published in February 2012.

### ***Children's rights***

The Office of the Commissioner for Human Rights participated in the seminar on adoption, disadvantaged children, and the rights of adults and children with disabilities, held in Istanbul on 25-27 April. The Office's intervention included two presentations to the seminar participants: one related to adoption and disadvantaged children and another one on the rights of people – including children - with disabilities, as well as facilitation of the discussion on the adoption of children with disabilities. This seminar was organised within the framework of the Council of Europe Programme on Confidence Building Measures across the river Nistru/Dniester.

### ***Human rights of Roma***

On 7 June, the Commissioner expressed publicly his deep concern about the evictions of more than 300 Roma families and their relocation to buildings formerly owned by a disused chemical factory in Baia Mare, Romania. It has been reported that children and adults had to be taken to hospital for intoxication due to contacts with toxic substances left in the buildings.

In an interview with AFP, the Commissioner said that the action taken by the authorities of Baia Mare not only breached the rights of Roma to adequate housing but also put their right to life at serious risk. He noted that the relocation into the former chemical factory buildings was clearly not an adequate, alternative housing solution. The Commissioner called on the authorities to conduct an effective investigation in order to establish the responsibilities for any damage caused to the health of the people concerned and then provide them with reparation.

The Commissioner called on the Mayor of Baia Mare to ensure that the families concerned are promptly moved to adequate accommodation, where there is no threat for their health and where they are not segregated from the majority population. He also stressed that any relocation should be done in consultation and agreement with the people concerned.

### ***Human rights of older persons***

On 29-31 May, the Commissioner's Office participated in a UN Expert Group Meeting in New York on the Human Rights of Older Persons. The meeting had been convened to clarify gaps in the human rights protection of older persons ahead of the third Open Ended Working Group on Aging in August 2012. Age discrimination, health, violence, life in dignity, long-term care and the justice system were the major topics discussed by the experts to assess the need for formulating specific human rights standards for older people. The representative of the Commissioner's Office made a presentation on age discrimination from a European perspective.

### ***Effects of austerity measures on human rights***

On 25 June, the Commissioner exchanged views on the effects of austerity measures with the PACE Committee on Social Affairs, Health and Sustainable Development. The Commissioner pointed out that the economic crisis had already had an impact on the enjoyment of human rights by vulnerable groups. He referred in particular to the situation of children, Roma and young persons who were unemployed. The Commissioner also said that national human rights structures could play a valuable role in helping to assess the effects of austerity budgets on human rights, and that social protection floors need to be applied as safety nets to mitigate the effects of the crisis.

The important role of NHRs in times of crisis and austerity was also highlighted in a Human Rights Comment published on 31 May. The Commissioner raised concerns about budget and staff cuts to NHRs and the closure of regional offices. He recommended that Governments, particularly in countries undergoing serious austerity, involve NHRs at all stages of the budget process to allow them to provide expert advice on the groups that need the most protection, on the impact of various policy measures and on the more general human rights consequences of the crisis.

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

On 16 May, the Commissioner's Office participated in a UNESCO meeting on education sector responses to homophobic bullying. The meeting was held in Paris on the eve of the International Day Against Homophobia and Transphobia (IDAHO) and highlighted the publication of a UNESCO report on homophobic bullying and good practices for addressing the problem. The UNESCO report, which also refers to the Commissioner's 2011 Report "Discrimination on grounds of sexual orientation and gender identity in Europe", stresses that homophobic bullying can only be stopped if it is responded to seriously.

On 21 June, the Commissioner published a Human Rights Comment entitled "Silencing voices against homophobia violates human rights". In this opinion piece, the Commissioner pointed out that recent laws banning information about lesbian, gay,

bisexual, transgender and inter-sex (LGBTI) issues marked a worrying step back towards a bygone era when gay persons were treated like criminals. Such efforts to curtail freedom of expression and assembly run starkly against international and European human rights standards. In the recent judgment in the case of *Vejdeland and Others v. Sweden*, the European Court of Human Rights ruled that homophobic speech does not fall under the protection of Article 10 guarantees of free expression. The Commissioner urged member states to counter prejudice by raising awareness and educating the public on LGBTI rights.

### ***Post-war justice and durable peace in the former Yugoslavia***

On 22 May a representative of the Commissioner's Office participated in the conference "Dealing with the Past and Reconciliation: What kind of truth seeking mechanism does Kosovo need?" which took place in Priština. The conference was organised by the International Civilian Office and the Ministry of Justice of Kosovo\*. The aim of this conference was to take stock of what has been done in the field of transitional justice and to pave the way for future work in this field.

The conference was attended by a large number of representatives of diplomatic missions, international organisations, local and international NGOs, academics, international and local judges, journalists etc.

The International Civilian Representative, Mr Peter Feith, the EU Special Representative, Mr Samuel Žbogar and the OSCE High Commissioner on National Minorities, Mr Knut Vollebaek addressed the participants at the beginning of the conference. The representative of the Commissioner's Office - who addressed the participants on behalf of the Commissioner as one of the key-note speakers - presented the Commissioner's Issue paper "Post-war justice and durable peace in the former Yugoslavia". The address made at the conference and the above-mentioned Issue Paper are available on the Commissioner's thematic website on post-war justice and reconciliation in the region of former Yugoslavia.

At this conference, Ms Yasmin Sooka, Executive Director of the Foundation for Human Rights in South Africa and a former member of the Truth Commission for South Africa, and Ms Catherine Cissé van den Mujisenbergh, Executive Director of the Institute for Historical Justice and Reconciliation, made presentations on the main components of transitional justice and truth-seeking mechanisms.

### ***Administration of justice***

On 2-3 April, the Commissioner's Office participated in an international symposium on judicial reform, organised jointly by the Turkish Ministry of Justice and the World Bank in Ankara, Turkey. At the invitation of the Ministry of Justice, the Commissioner's Office gave a presentation about performance criteria for judges and prosecutors and the need to streamline human rights concerns in the definition of these criteria, based on the previous Commissioner's January 2012 report on human rights and the administration of justice in Turkey. The presentation focused on issues raised in this report concerning the

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\* 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.

practical organisation of the judiciary in Turkey, including the assessment of the performance of judges and prosecutors, as well as disciplinary proceedings affecting them.

### ***Human rights of internally displaced persons***

On 3 September, the Commissioner published a Human Rights Comment entitled “Internally displaced persons in Europe: Another lost generation?”. The Commissioner recalled that internally displaced persons (IDPs) are victims of past or on-going conflicts and violence, who continue to need the help of the European and international community. He underlined that IDPs are entitled to enjoy the entire spectrum of human rights, without discrimination. The protection of IDPs is primarily the responsibility of national authorities. The Commissioner urged states and all relevant parties to adopt measures for the return and re-integration of internally displaced persons in their original communities, or, where this is not possible, to ensure their integration in their new communities. He also called upon states and international actors to ensure that IDPs are consulted and participate as partners in the planning and implementation of return or of other remedial actions.

### ***Anti-Muslim prejudice***

On 24 July, the Commissioner published a Human Rights Comment “Anti-Muslim prejudice hinders integration”. He pointed out that Muslims had become the primary “other” in right-wing populist discourse in Europe. Politicians frequently refer to Muslims when discussing the alleged “failure of multiculturalism” even if multiculturalism as a strategy of promoting intercultural dialogue and preserving cultural identities has hardly been tried in most countries. Some mainstream parties have exploited anti-Muslim sentiment by supporting restrictive legislative measures that target Muslims.

The Commissioner highlighted the particularly pernicious form of discrimination exercised by police, customs or border guards when they engaged in ethnic or religious profiling against Muslims by stopping them only because of their appearance. Ethnic or religious profiling is not only discriminatory, but also counterproductive, as it misdirects attention from suspicious behaviour to appearance and alienates the communities with whom law enforcement agencies need to cooperate.

The Commissioner urged governments to stop targeting Muslims through legislation or policy. Religion or belief should be clearly identified as a prohibited ground of discrimination and independent equality bodies or ombudsmen should have a clear mandate to address discrimination against Muslims. In parallel, governments should combat popular prejudice and intolerance against Muslims. The Commissioner stressed that it is time to accept Muslims as an integral part of European societies, entitled to equality and dignity.

### ***Racist hatred and crimes***

On 4 September, the Commissioner expressed his deep concerns about Azerbaijan's decision to pardon and honour Ramil Safarov, an Azerbaijani army officer who in 2004 brutally murdered Armenian officer Gurgen Markaryan. The Commissioner stressed that racist crimes must not go unpunished and that violent offences motivated by bias, such as racial or inter-ethnic hatred, are a particularly pernicious form of criminality. Apart



from the destructive effects on the victims and those close to them, they can be devastating to whole communities and unravel the very fabric of society. States were reminded of their obligation to apply strongly dissuasive sanctions against those who have perpetrated bias-motivated crimes.

Moreover, the Commissioner deplored the fact that Mr Safarov has been glorified and rewarded by Azerbaijan, which goes against all accepted standards for human rights protection and rule of law. He warned that the glorification of persons who commit hate crimes sends an extremely dangerous message.

## **5. Other Meetings**

### ***Meetings in Brussels***

When he was in Brussels on 3 May on the occasion of World Press Freedom Day (see above under Freedom of expression and media freedom), the Commissioner held a series of meetings including with representatives of the EU External Action Service. He met with Mr Gunnar Wiegand, acting Managing Director for Europe and Central Asia, with whom he discussed human rights developments in a number of countries in South-East and Eastern Europe. The Commissioner also held a meeting with Ms Riina Kionka, acting Director for Human Rights and Democracy. Lastly, the Commissioner went to the EU Office of Amnesty International where he introduced his priorities and had an exchange of views with the staff of this office.

### ***Visit to FRA and OSCE in Vienna***

On 14 May, the Commissioner visited the EU Agency for Fundamental Rights (FRA) and the OSCE in Vienna. He held discussions with the Chairperson of the FRA Management Board, Ms Ilze Brands Kehris, and the Director of FRA, Mr Morten Kjaerum, as well as with the OSCE Representative on Freedom of the Media, Ms Dunja Mijatović.

The Commissioner informed the FRA representatives about his priorities and highlighted the economic crisis as the context for the current efforts to ensure human rights protection. The FRA gave an overview of their on-going research activities and the situation regarding the adoption of their next multiannual framework. The data produced by the FRA's research surveys is a useful resource which the Commissioner's Office refers to in its country monitoring work. It was agreed that co-operation would be developed further in order to improve the effectiveness of the shared human rights agenda.

The protection of journalists and access to social media were the major issues discussed with the OSCE Representative on Freedom of the Media. The Commissioner indicated that the safety of media professionals would be an important part of his country monitoring. Ms Mijatović and Mr Muižnieks agreed that restrictions on internet freedom and access to social media are areas which merit further attention.

### ***Conference on the UN Convention Against Enforced Disappearances***

On 15 May, a representative of the Commissioner's Office took part in a conference entitled "The International Convention on the Protection of All Persons from Enforced Disappearances: The issues of a universal and effective implementation" organised by the Centre for research on human rights and humanitarian Law (CRDH) of the University of Paris – II, under the patronage of the French and Argentine Governments. The aim of the conference was to raise awareness about and encourage wider ratification of the UN Convention on the Protection of All Persons on Enforced Disappearances, which entered into force on 23 December 2010. The representative of the Commissioner's Office presented the case-law of the Court on enforced disappearances, as well as the work of the Office in relation to this issue.

### ***International Conference: Regions with legislative power in the Council of Europe and the European Union – challenges and strategic goals***

On 1 June, the Director of the Commissioner's Office took part in the above conference, organised in Innsbruck by the Regional Parliament of the Tyrol in co-operation with the Congress of Local and Regional Authorities of the Council of Europe. She participated in a Round Table on "Activities and regional actions – Democracy, Transparency and Human rights." In her intervention, she focused on how local authorities could protect vulnerable people as well as on systematic work for human rights as a challenge to local and regional politics.

### ***Visit to UN institutions in Geneva***

On 12-13 September the Commissioner visited Geneva to hold talks with Ms Navanethem Pillay, the UN High Commissioner for Human Rights, and Ms Erika Feller, the UN Assistant High Commissioner for Refugees. The discussions with High Commissioner Pillay focused on the effects of the economic crisis on human rights, as well as access to justice, the situation of Roma, freedom of expression and the situation of migrants and asylum seekers. The positive impact of the UN Universal Periodic Review (UPR) process on domestic human rights dialogue was highlighted.

The meeting with Assistant High Commissioner Feller related to problems in the national systems for determining refugee status, the Sarajevo process of providing housing to refugees, the situation of stateless children, and alternatives to the detention of migrants. The Commissioner and Ms Feller also underlined the usefulness of the *Hirsi* judgment in clarifying standards against *refoulement*.

During his visit to Geneva, the Commissioner also met with Ms Magdalena Sepúlveda Carmona, the UN Special Rapporteur on extreme poverty and human rights. Their discussions focused on the effects of the economic crisis and austerity measures on the enjoyment of human rights.

### ***Meeting with the OSCE High Commissioner on National Minorities***

On 19 September the Commissioner met with Ambassador Knut Vollebaek, High Commissioner on National Minorities (HCNM) of the OSCE. The meeting followed up to an excellent co-operation to date and the discussion focused on the work priorities of the Commissioner and of the HCNM, including the situation of the Roma and the issue of

statelessness. They also exchanged views on the situation of persons belonging to national minorities in various member states.

***31st Council of Europe Conference of Ministers of Justice: “Responses of justice to urban violence”***

On 19-21 September, the Commissioner travelled to Vienna to participate in this conference, which focused on two particular aspects relating to urban violence: juveniles as perpetrators and victims; and organised groups and their new ways of communicating. In the speech he delivered as part of the opening session, the Commissioner stressed the role of the police in preventing urban violence. Noting that in some instances, these phenomena have been triggered by tensions between young people and the police, the Commissioner insisted on the need to focus on the preventative dimension of policing. As a result, austerity measures taken in the context of the current economic crisis should not lead to disproportionate cuts in the means allocated to the police for daily community work and police training. The Commissioner also emphasised that while juvenile offenders should obviously be made responsible for their acts, the most efficient forms of prevention of recidivism are education, prevention, rehabilitation and diversion from the criminal justice system. Finally, the Commissioner stressed that while the justice systems must adapt to the new ways in which young people communicate, member states should be extra cautious not to curtail fundamental freedoms, notably freedom of expression and assembly, which are increasingly exercised through the Internet. Proportionality and judicial oversight appear as two particularly key principles that should be systematically applied when looking at issues such as: restricting access of specific individuals to the Internet; carrying out surveillance on their Internet activities; or punishing those who have instigated violence.

***Visit to Brussels***

On 27 September, the Commissioner visited EU institutions in Brussels and held talks with the Commissioner for Home Affairs, Ms Cecilia Malmström, and the Special Representative for Human Rights, Mr Stavros Lambrinidis. The discussions with Ms Malmström focused on the reform of the Common European Asylum System, including the reform of the Dublin Regulation. The European Commission’s activities on combating extremism were also discussed. The Commissioner and Mr Lambrinidis exchanged information on the human rights situation in Europe and their respective priorities.

In addition, the Commissioner visited the Regional Office for Europe of the Office of the UN High Commissioner for Human Rights and participated in an Open Society Foundation Debate “Is freedom to debate becoming freedom to hate?”. During the debate, the Commissioner stressed the need for a comprehensive set of measures – including dissuasive sanctions against hate speech – to combat racism and intolerance.

## **6. European Court of Human Rights**

### ***High-level Conference on the Future of the European Court of Human Rights***

On 19 and 20 April, the Commissioner attended the High-Level Conference on the Future of the European Court of Human Rights in Brighton, United Kingdom, organised by the British Chairmanship of Council of Europe's Committee of Ministers. The Commissioner gave a speech focusing on the need to better protect human rights at national level by supporting the implementation of the European Convention standards by member states. The Commissioner stated his intention to address the systematic failure to implement the Convention at national level, and particularly the shortcomings within national judicial systems. In this endeavour, the Commissioner stressed that he will engage not only with governments, but also with parliaments, judiciaries, national human rights structures and civil society organisations.

## **7. Human rights defenders**

### ***Meeting on national mechanisms and public policies for the protection of human rights defenders organised in Geneva***

The Office participated in the meeting organised in Geneva on 18 June by the UN Special Rapporteur on the situation of human rights defenders and the NGO Protection International. The meeting gathered representatives of UN member states, international NGOs and international organisations. The aim of the event was to facilitate an exchange of information on the establishment and functioning of national mechanisms and policies for the protection of defenders.

During the discussion, participants underlined the importance of existing national and international mechanisms and in maintaining a high level of trust of defenders and civil society actors in those instruments. As part of their national policies in favour of defenders, states should also consider supporting national and regional networks of defenders more actively. National human rights structures should also focus on defining their role in supporting defenders. In addition, the implementation of the EU Guidelines on human rights defenders should be regularly evaluated and supported on the ground.

## **8. Communication and Information work**

The first quarter of the new mandate was marked by intensive media work, focused mainly on Commissioner Muižnieks's priorities, the visits to Austria, Finland, Italy and Portugal, and Roma rights.

The Commissioner's priorities were covered by *Neue Zürcher Zeitung*, *Sir Europa*, *ASCA*, *France 3*, *Deutsche Welle*, *Diario Siglo XXI*, *EFE*, *Yagg*, *Agence Europe* and *La Libre Belgique*. *France Info* aired an interview on Roma rights.

The visit to Portugal received wide national and international coverage, focusing in particular on the risk of an increase in child labour due to the economic crisis. The main

media reporting on the visit were *LUSA, SIC, Euronews, Agence Europe, Libération, Gandul, AFP, Diario Digital, Correio da Manhã, Radio Nacional de Venezuela, TF1, RTP, and Jornal de Negócios*.

The Bulgarian magazine *Capital* published an interview with the Commissioner on the execution of judgments and the Court, and the Italian weekly *Left* ran an interview on the economic crisis and its impact on human rights, in particular on discrimination issues.

The Commissioner's reaction to the eviction and relocation of Roma in Baia Mare (Romania) was widely covered by the media. After the interview with *AFP*, further coverage was given to his statements mainly by *New Europe, Libertatea, Radio France International, Ziarul, SDA/ATS, Le Matin, and SITA*.

The human rights comment on violence against journalists was also widely covered, with news items published by *Today's Zaman, ANSA, B92, ASCA, Marina Castellaneta.it, STA, DPA-Europe online magazine, and Radio Sarajevo*.

*EFE, La Voz de Galicia, ABC, Agência Lusa, Corriere della Sera, and Ansa* covered the Commissioner's declarations on austerity measures and human rights.

The visit to Austria was covered by the main national media *Der Standard, APA, Die Presse, and ORF*. The visit to Finland was covered by *Helsinki Sanomat, STT, Vega, Hufvudstadsbladet, and Suomen Tietotoimisto*.

*Il Denaro, Notizie Radicali, SIR, ANSA, Il Sole 24 Ore, and Il Secolo XIX* announced the visit to Italy, and Slovenian *Delo* quoted interview with the Commissioner in an article on the erased.

Further coverage concerned an interview with the Slovenian magazine *Mladina* on several human rights issues. There has also been coverage on LGBT issues (*ASCA and Yagg*), on the Commissioner's meeting with the Ombudsman of Spain (*EFE*), and on the situation in Ukraine (*Ria Novosti*).

In the third quarter, the main coverage concerned the visit to Italy, the publication of reports on Portugal, Italy and Finland, as well as the human rights comment on anti-Muslim prejudice and the cases of racist attacks in Greece.

The visit to Italy was widely covered, with the majority of news items reporting on the Commissioner's observations concerning the conditions of migrants (*Financial Times, La Repubblica, DeutschlandRadio, L'Unità, ANSA, ASCA, AGI, Il Denaro, Notizie Radicali, SIR, Il Sole 24 Ore, Il Secolo XIX, Open Society, Süddeutsche Zeitung, Left Avvenimenti, Malta Today*).

The report on the visit to Portugal also received wide coverage at national level, with a particular focus on the potential effects of austerity measures on the resurgence of child labour (*RTP, TSF, Ecclesia, De Standaard, Diário de Notícias, Jornal de Notícias, SIR, Correio da Manhã, Ansa, Publico, Negocios, Lusa-SOL*).

The report on Italy attracted the attention of major national and international media, in particular *BBC, the Guardian, the Financial Times, Il Sole 24 Ore, Radio 24, ANSA, EFE, La Repubblica, the Irish Times, and Adnkronos*.

The report on Austria was covered by *APA, Der Standard, Salzburger Nachrichten*, while the report on Finland received coverage in *YLE, STT, Helsingin Sanomat, Hufvudstadsbladet, Abo Underrattelser, Suomen Tietotoimisto, MTV3, The Voice of Russia, Itar-Tass, EFE, Channel 4 TV and The Journal of Turkish Weekly*.

The human rights comment on anti-Muslim prejudice was covered throughout the continent (*Politiken, European Jewish Press, Liberation, L'Express, Agência Lusa, AFP, Le Monde, Le Point, RTBF, LeFigaro, Tribune de Geneve, Le Nouvel Observateur, Hürriyet, Agence Europe, SaphirNews, Zaman, Deutsche Welle, FENA, Agence Belga, Le Vif, KUNA, The Africa News, SBS World News, EurActiv.it, Immigrazione Oggi, Het Nieuwsblad, LETA, Voice of America, 1news, The Nation, Itar Tass, Vestnik Kavkaza, SDA/ATS, ANSA, ASCA, SIR, Kathweb, Krone, Agence Belga, De Morgen*).

The interview with the Greek paper *To Vima* about Golden Dawn and racism in Greece received widespread coverage, triggering a public debate in the country (*To Vima, AFP, Daily Telegraph, SDA/ATS, Gulf News, Basler Zeitung, Europe 1, Der Standard, APA, Greek Reporter, ANP Infonet, De Stentor, Press TV, Fyens Stiftstidende, Extrabladet, E24, Aftenposten, Helsinki Sanomat, Huffington Post*).

*The Guardian, The Express, and UK Human Rights Blog* focused on the interview with the Guardian on prisoners' voting rights. *Today's Zaman, Tanjug, B92, SIR, Hina, and Reuters* covered the human rights comment on internally displaced persons, while *DPA, AFP, Reuters, ANP, and Hamburger Abendblatt* focused on the Commissioner's declaration on cases of racist violence in Greece and Germany.

An interview was aired with the *National Radio of Bulgaria* on the situation of Roma, in connection with the evictions in France. The Commissioner's concerns about the pardon of an Azerbaijani army officer convicted of murder were mentioned by *Budapester Zeitung, Panorama, ARMINFO News, MTI, Gazdasági Rádió*.

*France 3* broadcast an interview on children's rights, and the Danish papers *Politiken* and *Syddanske Medier* mentioned the Commissioner's concerns about the policy of returning unaccompanied migrant minors to countries where their safety may be jeopardised. *El Pais* and *Süddeutsche Zeitung* published articles on austerity measures based on the interviews with the Commissioner.

Further references to the Commissioner were made in the context of coverage of the visit to Albania (*Balkan Business Today*), LGBT issues (*Deutsche Welle, Yagg*), the erased in Slovenia (*Delo*), child labour and austerity measures in Portugal (*Neue Zürcher Zeitung, The National Review*), the establishment of the new EU representative for human rights (*Le Temps*), and calls for an independent inquiry into the prison scandal in Georgia (*News Georgia, Black Sea Press*).

The Commissioner's homepage and Twitter account were restyled and made more user-friendly. The Commissioner's general profile and the personal profile of the new Commissioner on Wikipedia have been edited and uploaded. A new human rights comment website has been created.

## 9. Next three months

### October

01-05/10	PACE Session
05/10	Human Rights Defenders round-table on Migration (Paris)
10/10	Meetings with civil society (Istanbul, Turkey)
11/10	CoE Conference of Ministers of Social Cohesion and bilaterals (Istanbul, Turkey)
12/10	Meetings with Turkish officials (Ankara, Turkey)
15/10	ACFC Launching of the Third Thematic Commentary on Linguistic Rights of Persons belonging to National Minorities (Strasbourg)
16/10	23rd Session of the Congress (Strasbourg)
18-21/10	ILGA-Europe Annual Conference "Advancing LGBTI equality in challenging economic time"; European Council on Refugees and Exiles Annual General Conference; and high-level official meetings (Dublin, Ireland)
21-25/10	Meetings with Russian officials and meetings with civil society (Moscow, Russian Federation)

### November

05-07/11	Internet Governance Forum and other meetings (Baku, Azerbaijan)
12-16/11	Visit to the Czech Republic
19/11	CommHR Expert Brainstorming on austerity measures
21/11	Exchange of views with CM Deputies
23/11	CommHR Expert Brainstorming on social media
26-29/11	Visit to "the former Yugoslav Republic of Macedonia"
30/11	Closing statement at Conference on "Human Rights and Democracy in Action - Looking Ahead: The impact of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education", organized by the CoE in cooperation with the European Commission and the European Wergeland Centre (Strasbourg)

30/11 Meeting of Ad hoc Committee of Experts for Roma Issues – CAHROM (Strasbourg)

### December

06/12 Fundamental Rights Conference 2012 'Ensuring access to justice in times of economic crisis' (Brussels)

07-11/12 Visit to Greece

## **10. Observations and reflections**

The importance of two partners in the Office's work - national human rights structures (NHRs) and human rights defenders (HRDs) - is perhaps not fully evident from reading this report, but their partnership is crucial to the work of my Office.

I sought to highlight the role of NHRs in my first Human Rights Comment, in my intervention at the Brighton conference on the future of the European Convention on Human Rights and elsewhere. I also met with representatives of Equinet and the European network of national human rights institutions, with the heads of NHRs on country visits to Portugal, Austria, Finland, and Albania, and with the ombudsmen of France, Ukraine, and other countries during their visits to Strasbourg. However, I do not intend to leave it at that, and I am currently exploring ways to regularise and institutionalise my dialogue with NHRs.

The second set of partners – human rights defenders – also require regular and systematic attention from the Office and I fully intend to provide them with it. I have met with a host of defenders on both country visits and in my office in Strasbourg. My staff is in regular touch with defenders in all the member states as part of our ongoing country monitoring. In March of this year, before assuming office I attended a roundtable for human rights defenders organised by my predecessor in Sarajevo on post-war justice and durable peace in the former Yugoslavia. The thematic focus of the event permitted an in-depth discussion from which all participants benefited. This is why I will organise a similar roundtable for human rights defenders in the next quarter which will focus on migrants' rights, a topic of growing importance and concern in all regions of the Council of Europe.

In the first six months I have only begun to develop thematic work on the rights of older persons, a topic I intend to take further in the future. During the country visit to Portugal, the rights of older persons, particularly those taken out of institutionalised care by relatives who seek to benefit from their pensions, came into focus. In both Austria and Finland, I visited social care homes for the elderly to learn more about the protection needs of those with dementia, good practices in establishing patients' rights ombudsmen, and the challenges of monitoring human rights in a context of de-institutionalisation.



The rights of the child is another issue area that I have devoted some attention to, but which deserves much more. In Portugal, children are among the most vulnerable groups hit hard by the crisis. The risk of a resurgence of child labour there and in many other countries is a danger we should all be aware of and seek to prevent and combat. In Italy and many other countries, forced evictions of Roma hit children very hard, disrupting their education, their ties of friendship and traumatising them. In many other Council of Europe countries, too many children are born and grow up stateless, which is another issue I am committed to addressing together with UNHCR and other partners.