



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



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## **ANNUAL ACTIVITY REPORT 2012**

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**by Nils Muižnieks,  
Commissioner for Human Rights  
of the Council of Europe**

Presented to the Committee of Ministers  
and the Parliamentary Assembly

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## Foreword by the Commissioner

The first annual report of my mandate focuses on the 9 months I spent as Commissioner in 2012, with an additional appendix which covers the activities carried out from January to March by my predecessor, Thomas Hammarberg. I owe him a huge debt of gratitude for building up and leaving me a well-managed Office with a committed and professional team. I am particularly grateful for his elegant handling of the transition, which allowed me to feel immediately at home and able to take up my duties without delay.

Since April 2012, I have visited 11 countries, focusing on human rights issues that required particular attention. The picture of the human rights situation which comes out of my visits, meetings with officials and politicians and discussions with NGO representatives is complex and worrying. Some shortcomings are country-specific, but others affect a large number of our member states: discrimination; racist violence and anti-Gypsyism; the rejection of migrants; children's increased vulnerability; the exclusion of persons with disabilities; constraints to freedom of expression; and the inefficiency of national judicial systems.

On top of these long-standing problems, austerity measures have added new strains and thrown into sharp relief the interdependence of different human rights. Vulnerable groups – children, persons with disabilities, older persons with small pensions, and others – have often suffered disproportionately from austerity measures, which have threatened the overall post-war *acquis* of social and economic rights. However, the economic crisis has also affected civil and political rights, including access to justice, conditions in detention, policies towards migrants and minorities, and relations between the police and the public. In many countries key institutions for human rights protection, such as the courts, ombudsmen and national human rights structures have been weakened by excessive budget cuts.

We need to rethink our approach to the crisis, putting human rights at the centre of our efforts to bring order and sustainability to our public finances.

The uncertainty created by the economic crisis and the consequences of austerity measures also represent a fertile ground for xenophobic and racist movements, as well as for anti-democratic tendencies. Populist politicians and nationalist and extremist groups have exploited people's frustrations and fears for electoral purposes.

Minorities, in particular Roma, are increasingly the targets of discrimination, racism and intolerance. Discrimination on grounds of sexual orientation and gender identity is also part of this picture. Legislative measures restricting the freedom of expression and association of lesbian, gay, bisexual and transgender persons in some of our member states represent a worrying step backwards to a bygone era when homosexuals were treated like criminals.

Migrants, refugees and asylum seekers are also experiencing tough times in today's Europe, as they are often confronted by policies which are designed more with security concerns rather than humanitarian principles in mind. Some countries still treat them as criminals and lock them up for unreasonably long periods in prison-like centres. Even recognised refugees face serious obstacles to their integration in society and are kept in limbo situations because of the absence of effective integration frameworks.

Children's rights is another critical area. Child poverty is on the increase, and brings with it the risk of a resurgence of child labour. Another problem is that in some Council of Europe member states, many children are born and grow up stateless, and are effectively denied the right to have rights. In many other countries, forced evictions of Roma hit children very hard, disrupting their education, their ties of friendship and traumatising them. These are some of the reasons I am treating children's rights as a priority.

The living conditions of persons with disabilities are in general unsatisfactory. Thousands of them are kept in old, secluded institutions, school segregation still affects many children with disabilities and

discrimination in the job market is widespread. The soundness of a democratic society is also gauged by the level of acceptance and inclusion of persons with disabilities.

The state of freedom of expression is also worrying. As long as being a journalist or a human rights activist in some of our member states may cost your life or a prison term, we cannot consider our democracies safe. Several countries still have laws which criminalise defamation. All this is not compatible with human rights.

The Internet is not spared by tendencies of excessive control. Particular attention should be paid to maintaining it as a space where people can freely exercise the right to receive and impart information, ensuring unrestricted access to it. Another aspect where more efforts are needed is data protection and privacy: governments and private companies are gathering huge amounts of information about us all, and we have little opportunity of controlling access to and use of our personal information.

Finally, the dysfunctional justice systems of some of our member states, in particular those which generate the most cases before the European Court of Human Rights, seriously undermine the rule of law. I have made this issue one of my priorities in order to help member states address the structural causes of this situation. A related problem is the excessively slow implementation of the judgments of the European Court of Human Rights. This is a phenomenon in several countries where some judgments of the Court are still not implemented several years later. "Cherry-picking" and disregarding judgments of the European Court of Human Rights have a disruptive effect not only on our system of human rights protection, but on the very essence of those European values on which our Organisation is built.

The picture I have drawn is not reassuring and does not bode well for the future. But positive trends and experiences also exist, and I would like us to focus on them as a concrete first response to the challenges and threats we are facing.

For example, Human Rights Action Plans, as well as inclusion strategies for Roma and for persons with disabilities are increasingly being adopted and implemented, often with a participative process. More dialogue between civil society, governments and international organisations is also taking place, with an increased inclusion of human rights on the political agenda. But what gives me the greatest hope is the work of many courageous human rights defenders and NGO activists all over Europe. They are committed, unselfish and driven by the desire to improve people's lives. And this is what human rights is all about: improving lives.

It is my firm intention to contribute to this, by continuing to address systemic shortcomings in member states, providing advice in establishing human rights centred policies at national and local level and speaking out when human rights are threatened, in particular for those who are voiceless.

Strasbourg, 10 April 2013

A handwritten signature in blue ink, reading "Nils Muijzer", followed by a horizontal line extending to the right.

# 1 Country visits

## 1.1 Introduction

Since the beginning of his mandate in April, and throughout 2012, Commissioner Muižnieks has relied on country visits as an important means of pursuing a continuous, constructive dialogue with member states.

In his country visits, the Commissioner addressed specific human rights issues that he had identified as requiring particular attention and also followed up on the work of his predecessor. Issues covered by the visits include: the impact of austerity measures on the protection of human rights; the efficiency and effectiveness of national judicial systems; the combat against racial and other forms of discrimination and violence; the protection of the human rights of migrants and of Roma and Travellers; freedom of expression; and the existence and effectiveness of national human rights structures. Reports and other documents published by the Commissioner after these visits contain both an analysis of the selected human rights issues and detailed recommendations to member states about possible means of improvement. In certain cases, as part of his dialogue with national authorities, the Commissioner addresses letters to the former to outline concerns and provide advice on specific issues. All these documents, along with the replies from the authorities, are published on the Commissioner's website and are widely circulated among policymakers, NGOs and the media.

The present chapter contains brief summaries of the Commissioner's visits carried out in 2012 and of their outcomes.

## 1.2 Visits

### *Visit to Portugal*

The Commissioner visited Portugal from 7 to 9 May. The visit 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; the elderly; 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, Ms 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, 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, as well as with the High Commissioner for Immigration and Intercultural Dialogue, Ms Rosário Farmhouse. Meetings were also held with representatives of non-governmental organisations active in the field of human rights and with trade unions. In addition, the Commissioner visited the premises of the NGO "Support to Childhood" (IAC) in Lisbon, which carries out, inter alia, a programme for the protection of street children.

Following his visit, the Commissioner published a report on 10 July, in which he recommended that the government strengthen its efforts to mitigate the negative impact of the financial crisis, in particular on children, the elderly and the Roma, which are among the social groups hardest hit by the fiscal austerity measures implemented in Portugal.

The report noted that child poverty is on the rise in Portugal due to the combination of growing unemployment and shrinking incomes among many Portuguese families. The Commissioner warned that this situation, together with persistently high school drop-out rates and cuts in the education sector, carries the serious risk of leading to a resurgence of child labour, notably in the informal economic sector and agriculture. He invited the authorities to be particularly vigilant and ensure that programmes aiming at preventing child labour are continued.

The elderly have also been adversely affected by the fiscal austerity measures and violence towards them has increased, including abuse within the family. The Commissioner called on the authorities to strengthen the measures taken to lessen the impact of austerity measures on older persons, who need more protection and adequate opportunities to lead a decent life and play an active role in society.

As regards Roma, the Commissioner urged the authorities to substantially improve their housing conditions, ensure that all Roma pupils have equal access to quality education and eradicate all forms of anti-Gypsyism in society. He also invited the authorities to approve and implement, in close co-operation with Roma representatives, the National Strategy for the Integration of the Roma Communities which was adopted in January 2012.

Lastly, the Commissioner called on the Portuguese authorities to continue providing adequate support to independent National Human Rights Structures and non-governmental organisations involved in human rights protection work.

Together with the report, the Commissioner also published a letter to the Minister of Justice of Portugal, Ms Paula Teixeira da Cruz, concerning the problem of excessive length of judicial proceedings, the need to strengthen anti-discrimination measures and to eradicate abuse and violence against older persons. The Commissioner welcomed the commitment shown by the Minister of Justice to effectively tackle these issues and to proceed with the ratification of Protocol No 12 to the European Convention on Human Rights which provides for a general prohibition of discrimination.

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

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

The Commissioner met 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 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 Ombudsman 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 also visited the Federal Reception Centre East at Traiskirchen where he spoke with residents, including unaccompanied children, families and single mothers seeking asylum. 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.

On 11 September, the Commissioner published a report on this visit. He commended Austria's well-established system for promoting and protecting human rights, including the strengthening of the Austrian Ombudsman Board in the context of the ratification of the OP-CAT by Austria. However, the Commissioner noted the considerable fragmentation characterising the legal and institutional framework against discrimination and called for priority consideration to be given to affording the same level of protection across the different grounds of discrimination.

Noting a certain complexity in the asylum system, the Commissioner stressed the need for increased transparency and legal certainty. He also called on the Austrian authorities to extend access to the labour market for asylum-seekers, further develop the system for free legal aid, and review material conditions in pre-deportation facilities. Regarding unaccompanied and separated children seeking asylum, the Commissioner urged the authorities to ensure that the best interests of the child are duly taken into account, including by appointing a guardian throughout their stay in Austria.

The Commissioner welcomed that a National Action Plan for Persons with Disabilities was being drafted, providing for an opportunity to improve consultations with and full participation of the persons concerned in decision-making. The Commissioner stressed the need to ensure that in all areas covered by the plan, the applicable standards are adhered to in all *Länder*, including as regards inclusive education, independent living, access to the built environment and supported decision-making for persons with intellectual and psycho-social disabilities.

The Commissioner observed that despite measures taken to achieve gender equality, progress made appeared to be rather slow, in particular regarding the gender pay gap, with lack of adequate childcare facilities and gender stereotypes playing a significant role. He welcomed the measures taken to combat violence against women and domestic violence, which should be complemented by a speedy ratification of the Istanbul Convention and by improvements in the collection of relevant statistical data. The Commissioner also called on the authorities to step up their measures for the identification of victims of trafficking in human beings, including during asylum and deportation proceedings.

In view of the fact that Austria is gradually developing into a demographically aging society, the Commissioner welcomed the strengthening of the mechanisms to ensure consultation and participation of older persons and recommended that particular attention be paid to the vulnerability of older people requiring services and care in institutions or at home.

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

The Commissioner visited Finland from 11 to 13 June to discuss issues relating to systematic work for implementing human rights, non-discrimination and reform of equal treatment legislation, and the human rights of the indigenous Sámi people.

During the visit, the Commissioner engaged in a dialogue with 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, the Minister of Health and Social Services, Ms Maria Guzenina-Richardson, the State Secretary to the Minister of Labour, Mr Janne Metsämäki, the Permanent Secretary of the Ministry of Agriculture and Forestry, Ms Jaana Husu-Kallio, and the Director General of the National Supervisory Authority for Welfare and Health, Ms Marja-Liisa Partanen. He also 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, and held discussions with the President of the Sámi Parliament, Mr Klemetti Näkkäläjärvi, members of the Finnish Parliament and representatives of civil society. The Commissioner made an on-site visit to the Leevi housing units for older persons in Helsinki.

Following the visit, on 25 September, the Commissioner published a report in which he 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). A Government network of contact persons in the different ministries monitors the implementation of the Action Plan. Civil society, trade unions and local authorities are also involved in the monitoring exercise. 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. The Commissioner considered that one of the weaker points of the development of the Action Plan was that it was not co-ordinated 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 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 co-ordination 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, including 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.

Noting with satisfaction the explicit prohibition of homophobic hate crime in the Finnish Penal Code, the Commissioner 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 reform of the national equal treatment legislation was found to have positive features, such as 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 recommended 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.

On 30 November, the Finnish Human Rights Centre and the Ministry for Foreign Affairs organised a seminar in Helsinki to discuss the findings and recommendations of the Commissioner's report. Particular attention was given to the implementation of the national action plan, the reform of equal treatment legislation and the ratification of the ILO Convention No. 169 related to the rights of indigenous peoples. The Minister for Foreign Affairs, Mr Erkki Tuomioja, addressed the seminar which was attended by 170 participants representing public authorities, national human rights structures, civil society and the ILO. The Commissioner's Office presented the findings of the report at the seminar.

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

The Commissioner visited Italy from 3 to 6 July, focusing on the problem of the excessive length of court proceedings, and on the protection of the human rights of Roma and Sinti and migrants, including asylum seekers.

During this visit, the Commissioner met representatives of the Italian 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. 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. In addition, he 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 carried out visits to the Identification and Expulsion Centre (CIE) in Ponte Galeria, to the Roma camps of Salone and Salviati II, and to an abandoned university building in the south-eastern periphery of the city, which was inhabited by refugees or other beneficiaries of international protection.

This visit was followed up by a report published by the Commissioner on 7 September. As regards excessively lengthy court proceedings, one of the longest-standing human rights problems with which the ECHR system has been confronted, the Commissioner referred to the underlying causes of this problem in Italy, which include many factors contributing to the excessive caseload of courts, procedural issues, problems relating to court management and the role of lawyers. Noting that past reforms had failed to resolve this problem 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 called for a concerted effort from the Ministry of Justice and the High Council of the Judiciary and from judges, prosecutors and lawyers in order to achieve the necessary shift in judicial culture, without which the problem would continue. 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 concerns about the malfunctioning of the existing domestic remedy for excessively lengthy proceedings, urging the Italian authorities both to pay compensations already awarded by domestic courts without delay and to complement this compensatory remedy with an acceleratory one.

As regards Roma and Sinti, while welcoming the adoption of Italy's first national strategy for the inclusion of Roma and Sinti, the Commissioner was concerned about the mixed signals sent by the continuation of past practices associated with the "Nomad emergency", such as forcible evictions and the 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 prevalence of anti-Gypsyism in political discourse and the media, which fuels violent hate crimes against Roma and Sinti, was another preoccupation. The Commissioner thus urged the Italian authorities to step up their efforts to combat hate speech and violence. He also encouraged the Italian authorities to resolve the long-standing problem of *de facto* statelessness which affects a number of Roma and Sinti in Italy, expressing his hope that the measures announced in the national strategy concerning this issue will yield satisfactory results.

As regards the protection of the human rights of migrants, including asylum seekers, the Commissioner welcomed high-level political declarations to the effect that Italy will no longer pursue "push-backs" to Libya, in accordance with the *Hirsi Jamaa* judgment of the European Court of Human Rights. However, he was concerned that similar issues may arise from the application of the readmission agreements with Egypt and Tunisia, and from automatic returns of migrants to Greece. The Commissioner made a number of recommendations to address shortcomings in Italy's reception system for asylum seekers, which were exacerbated by the fragmentation of this 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 are relegated to the margins of society, drawing notably on his visit to the aforementioned abandoned university building where some of these persons live. He identified as the main causes of this problem the near absence of an integration framework for these persons, as well as discrimination in the labour market and numerous administrative obstacles to exercising their rights. Finally, the Commissioner called on the Italian authorities to improve the conditions in identification and expulsion centres (CIEs), designed for a maximum detention period of 2 months which has progressively been extended to 18 months without the necessary adjustments.

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

The Commissioner travelled to Albania from 4 to 6 September to participate 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 political 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.

The Commissioner also had a series of meetings to discuss human rights issues related to the former Commissioner’s Special Report on the events of 21 January 2011, the administration of justice, and measures to combat discrimination. 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 held meetings with the Ombudsman, Mr Igli Totozani and the Commissioner for Protection from Discrimination, Ms Irma Baraku. In addition, the Commissioner had meetings with civil society representatives.

Following this mission the Commissioner sent a letter to the Minister of Justice of Albania, Mr Eduard Halimi, concerning access to justice in Albania. The letter was published on 6 November. The Commissioner called on the authorities to review and further enhance the national legal aid system in compliance with Council of Europe standards. While noting with satisfaction the legislative measures enacted by the authorities in order to align its legal aid system with the Council of Europe standards in this field, the Commissioner stressed that certain shortcomings appeared to remain. He expressed concern about the low rate of approved requests for free legal aid by the State Commission for Legal Aid. He stressed that the procedure to obtain free legal aid should be simplified as regards applicants who are not social care beneficiaries so as to enable them to fully enjoy their right of access to justice. He urged the authorities to provide adequate financial resources for awareness-raising campaigns about the availability of free legal aid.

Another issue of concern to the Commissioner has been the complicated process of selection of legal aid lawyers. He underlined that very restrictive selection criteria limit the number of lawyers, which is currently inadequate to ensure appropriate legal aid. The Commissioner stressed that transparency in the selection process should be enhanced and lawyers’ fees should not be excessive in order to facilitate effective access to courts by persons who are in an economically weak situation. The Commissioner also expressed concerns relating to the current system of court fees in civil proceedings. He noted that having to pay up-front 3% of the value of a claim in civil disputes and 3% of the value adjudicated by a court to have a judgment enforced could be a disproportionate measure which excessively limits access to courts. He stressed that due to this system some persons have been prevented from pursuing their rights in civil proceedings because of economic difficulties.

### ***Mission to Turkey***

The Commissioner travelled to Turkey from 10-12 October to participate in the 2<sup>nd</sup> Council of Europe Conference of Ministers responsible for Social Cohesion (Istanbul, 11-12 October 2012)<sup>1</sup>. The Commissioner took the opportunity of his presence in Turkey to meet key interlocutors in order to discuss human rights developments in the country in general, with a particular focus on the follow-up given to the issues covered in the previous Commissioner’s reports on Turkey concerning freedom of expression and the administration of justice. To this end, he met with the Turkish Minister of Justice, Mr Sadullah Ergin, the President of the Human Rights Commission of the Turkish Parliament, Mr Ayhan Sefer Üstün, the Head of the Turkish Delegation to the Parliamentary Assembly of the Council of Europe, Ms Nursuna Memecan, and the Director General for Multilateral Political Affairs of the Ministry of Foreign Affairs,

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<sup>1</sup> See Thematic activities below.

Ambassador Erdoğan İçsan. The Commissioner also met with the Head of Delegation of the European Union to Turkey, Ambassador Jean-Maurice Rippert. He also held extensive meetings with academics and representatives of civil society, including prominent non-governmental organisations active in the human rights field.

### ***Mission to Ireland***

The Commissioner travelled to Dublin from 17 to 19 October 2012, where he delivered a keynote speech at the Annual Conference of ILGA-Europe entitled “Advancing LGBTI equality in challenging economic times”. The Commissioner also addressed the participants of the Annual General Conference of the European Council on Refugees and Exiles (ECRE) with a speech entitled “Asylum and Human Rights: trends and priorities for action”.<sup>2</sup>

The Commissioner also had a series of meetings to discuss the envisaged changes to the human rights protection system and the rights of persons with disabilities with national authorities, human rights institutions and civil society representatives. Bilateral meetings were held with the Minister of Justice, Equality and Defence, Mr Alan Shatter, the Minister of State with special responsibility for Disability, Equality, Mental Health and Older People, Ms Kathleen Lynch, and with members of the Office of the Minister for Social Protection, Ms Joan Burton. The Commissioner also met with the Chair of the Joint Parliamentary Committee on Justice, Defence and Equality, Mr David Stanton, the Ombudsman, the Ombudsman for Children, and with executives of the Irish Human Rights Commission (IHRC) and the Equality Authority. A courtesy call on the President of Ireland, Mr Michael D. Higgins, concluded the visit.

On 3 December, the Commissioner shared some observations in letters addressed to the three aforementioned Ministers. In his letter to Minister Shatter, the Commissioner stressed the need for further action in the field of asylum, juvenile justice, gender equality and the human rights protection system. The Commissioner welcomed the Minister’s decision to introduce comprehensive asylum legislation early next year, noting that it will speed up decision-making and therefore address the present situation whereby asylum-seekers, including children, spend a long time in facilities designed for short-term accommodation. The Commissioner also welcomed the decision to stop detaining children under the age of 16 in the outdated prison facilities of St Patrick’s Institution. Furthermore, he encouraged the authorities to remove the remaining obstacles to the ratification by Ireland of the Council of Europe Convention on preventing and combating violence against women and domestic violence. He also called on the Irish authorities to ensure that the on-going merger of the Irish Human Rights Commission and the Equality Authority does not weaken the effectiveness and independence of national bodies to monitor human rights. He emphasised that the independence of the new Commission should be clearly reflected in the way its members are appointed, the manner in which its staff is selected and recruited and in the arrangements for the allocation of its budget.

In his letter to Minister Lynch, the Commissioner welcomed the efforts undertaken by the Irish authorities to reform domestic legislation on the rights of persons with disabilities, in particular with regard to legal capacity and mental health. He encouraged a vigorous continuation of the reform process, in order for Ireland to be able to ratify the UN Convention on the Rights of Persons with Disabilities. He also underlined the necessity to carefully review proposed budget cuts for their potential negative impact on the rights of persons with disabilities, including their right to live independently and be included in the community.

In his letter to Minister Burton, the Commissioner welcomed the Minister’s commitment to presenting legislation on legal recognition of transgender persons to Parliament, but also expressed his concern at the lack of a clear timeline for the completion of this process. In view of the fact that five years have already elapsed since a High Court judgment found Ireland in breach of the European Convention on Human Rights in this field, the Commissioner recommended an acceleration of the implementation process.

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<sup>2</sup> See Thematic activities below

### ***Mission to the Russian Federation***

The Commissioner for Human Rights carried out an initial contact visit to the Russian Federation from 21 to 25 October 2012, during which he established contacts with the national authorities, representatives of human rights structures and civil society organisations. His discussions with the Minister of Justice, Mr Alexander Kononov, the Deputy Minister of the Interior, Mr Igor Zubov, the Prosecutor General, Mr Yuri Chaika, the Head of the Investigative Committee, Mr Alexander Bastrykin, and members of the Federal Assembly centred around the topic of administration of justice, including as regards the execution of judgments of the European Court of Human Rights. The Commissioner had an in-depth exchange of views on the situation of migrants with the Head of the Federal Migration Service, Mr Konstantin Romodanovskiy. Other issues discussed during the contact visit included the legislative changes approved by the Parliament in the course of 2012 as regards the Law on non-commercial organisations, the Law on meetings and rallies, the Law on protecting children from information harmful for their health and development, and the provisions in the Criminal Code relating to the offences of espionage and high treason. The Commissioner's talks with the Deputy Minister of Foreign Affairs, Mr Gennadiy Gatilov, and with the Representative of the Ministry of Foreign Affairs for Human Rights, Democracy and Rule of Law, Mr Konstantin Dolgov, were focused on human rights issues of concern in the Russian Federation and on the European level. The Commissioner also discussed human rights issues with the Federal Ombudsman, Mr Vladimir Lukin, the Chairman of the Presidential Council for Civil Society Institutions and Human Rights, Mr Mikhail Fedotov, and with the Federal Childrens' Ombudsman, Mr Pavel Astakhov.

### ***Mission to Azerbaijan***

The Commissioner travelled to Baku from 5 to 8 November, to participate in the Internet Governance Forum (6-9 November 2012).<sup>3</sup>

The Commissioner took the opportunity of his presence in Azerbaijan to hold a series of meetings to discuss human rights developments in the country, with a particular focus on freedom of expression and Internet freedom. The Commissioner met with the Head of the Presidential Administration, Mr Ramiz Mehdiyev and the Ombudsperson, Ms Elmira Suleymanova. He also met with representatives of civil society, including a number of non-governmental human rights organisations. Moreover, together with the OSCE Representative on Freedom of the Media, Ms Dunja Mijatović, the Commissioner visited four journalists who were detained at Baku detention centre No. 1 in Kurdakhani: Messrs Avaz Zeynalli, Hilal Mammadov, Vugar Gonagov and Faramz Novruzoglu.

On 7 November, the Commissioner, together with Ms Dunja Mijatović and EU Commissioner and European Commission Vice-President Neelie Kroes, held an exchange of views with members of the Azerbaijani media on the safety of journalists. At the end of the meeting, the three officials stated that they stand ready to support progress in Azerbaijan in the field of securing the right to freedom of expression and media freedom, both offline and online. Welcoming the readiness of the Azerbaijani authorities to engage in dialogue with them and to pursue co-operation activities in these fields, they stressed that a clear sign of Azerbaijan's commitment to enhancing freedom of expression would be the initiation of effective and transparent investigations into crimes against journalists, thereby putting an end to continuing impunity in this field. They affirmed that other signs of progress would be: the release from detention of all those journalists, bloggers and reporting citizens, who have been deprived of their liberty as a result of expressing their views; the adoption of the necessary legislative changes, including the decriminalisation of defamation in compliance with the relevant judgment of the European Court of Human Rights; and steps to strengthen the independent and impartial review of cases related to freedom of expression by the judiciary. They stressed the role of the media profession itself in upholding genuine freedom of expression with adherence to high professional standards and in developing a shared vision of these issues and solidarity among all sections of the media.

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<sup>3</sup> See Thematic activities below.

### ***Visit to the Czech Republic***

The Commissioner visited the Czech Republic from 12 to 15 November to discuss issues relating to the protection of the human rights of Roma and of persons with disabilities.

During the visit, the Commissioner met with the Prime Minister, Mr Petr Nečas, the Minister of Justice, Mr Pavel Blažek, the Minister of Interior, Mr Jan Kubice, the Minister of Health, Mr Leoš Heger, the Deputy Minister of Education, Youth and Sport, Mr Jiří Nantl, and the Deputy Minister of Labour and Social Affairs, Mr Jan Dobeš. He also met with the Government Commissioner for Human Rights, Ms Monika Šimůnková, the Director of the Agency for Social Inclusion in Roma Localities, Mr Martin Šimáček, representatives of the Government Council for Roma Community Affairs and of the Government Board for People with Disabilities, and with the Ombudsman, Mr Pavel Varvařovský. In addition, the Commissioner held meetings with representatives of non-governmental organisations working in the field of human rights protection.

The Commissioner urged the authorities to adopt a more human-rights compliant approach in dealing with Roma, in particular as concerns access to quality education, decent housing and freedom from discrimination. During his visit the Commissioner visited an elementary school in Kladno, an example of the “practical schools” in which Roma children are over-represented and for which the Czech state spends more than double the expenditure of mainstream schools. He regretted that five years after the *D.H.* judgment by the Grand Chamber of the European Court of Human Rights many Roma children are still taught as children with mild disabilities, and underlined the urgent need to take rapid action to fully execute this judgment and redress the violations found therein.

The Commissioner expressed his concern at the institutionalised anti-Gypsyism evidenced in the Czech Republic. He welcomed the authorities’ efforts to counter hate speech and urged them to consistently enforce penalties in cases of incitement to discrimination, hatred and violence against Roma. In this context the Commissioner invited the government to actively support and lead the three-year national campaign against racism and xenophobia set to be launched in 2013. He also urged the authorities to remove the pig farm built in the 1970s on the former concentration camp of Lety, where many Roma were killed during World War II, and to consider measures to honour those who died there.

The Commissioner noted with concern that Roma continue to be the main victims of racially motivated violence. He underlined that measures taken so far to counter this phenomenon must continue, but have to be combined with systematic prosecution of the authors of these crimes and an unequivocal political message condemning such acts. The Commissioner welcomed the efforts of the Ministry of Interior to implement trust-building measures and to enhance the participation of minorities, including Roma, in the police forces. He was also pleased to note that the Czech Republic planned to accede to the Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

During his visit the Commissioner also visited the psychiatric hospital of Bohnice, the largest such institution in the country accommodating some 1 300 patients, and held discussions with experts on the human rights of persons with intellectual and psychosocial disabilities. He underlined the need to overhaul and transform psychiatric care, particularly by promoting de-institutionalisation, fully protecting persons with disabilities from involuntary hospitalisation through effective judicial review, and preventing and eliminating the ill-treatment of persons deprived of their liberty.

The Commissioner was concerned that around 60 000 persons with intellectual and psychosocial disabilities live secluded in institutions, and that more than 30 000 are totally or partially deprived of legal capacity and placed under guardianship. He welcomed the fact that the new Civil Code that will enter into force in January 2014 will repeal the full deprivation of legal capacity and each individual situation will be reviewed. The Commissioner stressed that this task will require sustained efforts to properly train and inform all legal and other professionals who will be called upon to apply the new law and give effect to the standards contained in the UN Convention on the Rights of Persons with Disabilities. He urged the

authorities to ensure that the implementation of the new legislation will not be delayed and to stop full deprivation of capacity even before the entry into force of the new Civil Code.

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

A report following this visit will be published in early 2013.

### ***Visit to “the former Yugoslav Republic of Macedonia”***

The Commissioner visited “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, focusing on transitional justice and social cohesion, as well as on the human rights of Roma.

During the visit, the Commissioner held discussions with the national authorities, including the Minister of the Interior, Ms Gordana Jankulovska, the Minister of Labour and Social Policy, Mr Spiro Ristovski, and the Deputy Minister of Justice, Ms Biljana Briškoska-Boškovski. Further meetings in Skopje were held with the Ombudsman, Mr Ixhet Memeti, two members of the Commission for the Protection Against Discrimination, Messrs Duško Minovski and Rizvan Sulejmani, and the Director and Deputy Director of the Agency for Implementation of the Rights of Communities, Ms Vesna Babić-Petrovski and Mr Jusuf Hasani. The Commissioner also met representatives of civil society and international organisations. In addition, he went to Kumanovo, where he visited the Roma neighbourhood of Sredorek, as well as a high school dormitory serving as a collective centre for the accommodation of some of the persons who still remain displaced from the 2001 armed conflict.

While highlighting the progress made since the signing of the Ohrid Framework Agreement in August 2001 towards equitable representation in the public sector, in particular in the police and security forces, the Commissioner emphasised that the authorities should address more vigorously the factors which continue to undermine social cohesion in this multi-ethnic country. He recommended that the authorities pursue sustainable policies for promoting social interaction and fostering trust between the communities as well as to combat discrimination and social exclusion.

As regards the human rights of Roma, the Commissioner stressed that while the political representation of Roma is noteworthy and a law against discrimination has been enacted, problems of social exclusion, marginalisation and dire living conditions persist. The Commissioner was particularly struck by the disproportionate number of Roma children who are placed in “special-needs” schools or classes. In this context he called on the authorities to rectify the situation and ensure the inclusion of Roma children in regular schools.

The Commissioner also addressed the issue of statelessness and lack of personal identification documents which still affects many Roma, including children, and prevents their access to basic services. In addition, he discussed with his interlocutors practices introduced in the name of the prevention of abuse of the visa-free travel regime to the Schengen area (which has been in effect since December 2009), and expressed concern about allegations of ethnic profiling at borders which reportedly prevents many Roma from leaving the country.

The question of accountability for gross human rights violations committed during the 2001 conflict must be resolved and the fate of those who are still missing must be clarified. The Commissioner called on the authorities to find durable solutions for the 95 internally displaced persons who remain accommodated in collective centres.

The Commissioner noted the concerns which have been expressed about arbitrariness in the application of the lustration law, and welcomed the Constitutional Court's decision to seek expert advice from the Venice Commission on this issue.

A report following this visit will be published in the Spring of 2013.

## **2 Thematic activities**

### **2.1 Introduction**

In 2012, Commissioner Muižnieks identified two major priorities for his thematic work: the impact of the economic crisis and austerity measures on the enjoyment of human rights; and freedom of expression and media freedom, with a special focus on the Internet and social media. These two themes, which are described in detail below, were given particular attention in Human Rights Comments, conference presentations, country reports, media interviews and inter-agency co-operation.

The Commissioner also devoted attention to several other issues, notably the human rights of minority groups, including Roma, people with disabilities and lesbian, gay, bisexual, trans and inter-sex persons (LGBTI). Concerns identified in this regard usually related to discrimination and intolerance. The Commissioner also published a Human Rights Comment on 24 July concerning discrimination and prejudice against Muslims. The national protection systems against discrimination were reviewed in several country reports.

The human rights of older persons featured as a theme in reports on Portugal, Austria and Finland. In addition, the Commissioner focused on the rights of the child. The issues of child poverty and the situation of Roma and stateless children were raised in country reports and Human Rights Comments.

The theme of migration and human rights was addressed at a round-table of human rights defenders organised by the Commissioner's Office in Paris in October (see the chapter below). On 17 October, the Commissioner delivered a keynote speech at the Annual General Conference of the European Council on Refugees and Exiles (ECRE) in Dublin in which he stressed the need to promote alternatives to the detention of migrants, and pointed out that attention to migration issues should be extended beyond EU borders in Europe. The situation of internally displaced persons was the subject of a Human Rights Comment published on 3 September.

Access to justice was a major theme, having regard also to the context of austerity measures and long-standing systemic problems in national judiciaries. The Commissioner gave priority to assisting those member states that generate the largest volume of cases before the European Court of Human Rights so that the structural causes giving rise to applications to the Court can be addressed.

The Commissioner also raised concerns about violence against women and was vocal in promoting the ratification of the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence. On 9 October, he published a Human Rights Comment on the topic in which he urged states to do more to protect women from violence.

### **2.2 Effects of the economic crisis and austerity measures on the enjoyment of human rights**

The impact of the economic crisis on the enjoyment of human rights is an overarching theme which runs through much of the Commissioner's thematic, country and awareness-raising work. Austerity measures triggered by the crisis pose serious challenges to respect for social and economic rights. Many vulnerable groups have been affected disproportionately through the erosion of social protection minima: children, the unemployed, single parents, Roma, people with disabilities, women who are victims of violence, older persons with inadequate pensions, migrants, and others. Rising child poverty and youth unemployment are of particular concern as they are likely to have negative long-term effects on a whole generation.

However, in addition to the erosion of the protection of social and economic rights, civil and political rights have also come under threat. Cuts in resources for the judiciary, legal aid, national human rights structures (NHRs) and prison systems result in decreased access to justice and worsening conditions of detention. The frequent lack of broad consultation on austerity measures has engendered mistrust in the

democratic system and created tensions which have sometimes spilled over into violence. In some countries, the economic crisis has also fed into racist discourse and violence perpetrated against migrants and minorities. This underscores the importance of the principles of participation, transparency and accountability in approaches to austerity.

The Commissioner highlighted the important role of NHRs in times of crisis and austerity in a Human Rights Comment published on 31 May. He drew attention to the problem of budget and staff cuts to NHRs and the closure of their regional offices. He recommended that governments, particularly in countries undergoing serious austerity measures, 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 general human rights consequences of the crisis.

On 25 June, the Commissioner exchanged views on the effects of austerity measures with the PACE Committee on Social Affairs, Health and Sustainable Development. In addition to highlighting the points already mentioned above, the Commissioner underlined that social protection minima need to be applied as safety nets to mitigate the effects of the crisis.

The Commissioner stressed that austerity measures should not result in disproportionate cuts in the means allocated to the police for daily community work and police training. In his address to the 31st Council of Europe Conference of Ministers of Justice "Responses of justice to urban violence" (Vienna, 19-21 September), he pointed out that member states needed to focus on the preventive dimension of policing. The most efficient ways to counteract recidivism are education, prevention, rehabilitation and diversion from the criminal justice system.

In his keynote address at the 2<sup>nd</sup> Council of Europe Conference of Ministers responsible for Social Cohesion (Istanbul, 11-12 October), the Commissioner referred to the additional strains on social cohesion caused by the global financial crisis and stressed that human rights are the essential glue for keeping European societies together in the face of this phenomenon. The human rights response to the crisis should follow a three-pronged approach: the protection of the most vulnerable through strong anti-discrimination legislation; the implementation of international standards relating to equality and social rights; and the creation of strong national human rights mechanisms which should be consulted in the planning and monitoring of austerity measures.

On 7 December, the Commissioner delivered a keynote address at the EU Fundamental Rights Conference in Brussels, focused on access to justice under austerity. Many vulnerable groups including migrants, children and persons with disabilities face particular obstacles in obtaining justice during the economic crisis. Legal aid schemes, public interest litigation and low-threshold complaints bodies must be developed to respond to the needs of these groups. The Commissioner also highlighted the difficulties encountered by many member states in relation to the functioning of their judicial systems, such as excessively lengthy proceedings and failure to enforce final judgments. The need to resolve systemic problems in the judiciary was also stressed in country monitoring activities (report on Italy and letter to the Albanian Minister of Justice).

The impact of austerity measures was assessed in detail in the Commissioner's report on Portugal with a particular focus on children, older persons and Roma. Whilst noting that measures had 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. The Commissioner expressed deep concern at the continued discrimination against Roma, especially in the areas of housing and education. He welcomed the fact that the budgets of national human rights structures, such as the Ombudsman, had not been disproportionately affected by austerity measures.

Member states need guidance on human rights compliant responses to the economic crisis. With this aim in mind, the Commissioner held an expert brainstorming on the theme in Strasbourg on 19 November. The meeting brought together Ms Lára Björnsdóttir, Chairperson of the Icelandic Well-being Watch; Dr



Rory O’Connell, Senior Lecturer at the Queen’s University School of Law; Mr Ignacio Saiz, Executive Director of the Center for Economic and Social Rights; and Mr Duncan Wilson, Head of Strategy and Legal at the Scottish Human Rights Commission. The Commissioner had also discussed the issue with Ms Magdalena Sepúlveda Carmona, the UN Special Rapporteur on extreme poverty and human rights, during his visit to Geneva in September.

The experts considered that the Commissioner should provide further guidance on the obligations for implementing economic and social rights and that member states should adopt a systematic approach for implementing human rights at the national level. The process of structuring and implementing austerity budgets has to be participatory, transparent and accountable, and in line with a state’s human rights commitments. The impact of budgets should be assessed for their effects on vulnerable groups and on human rights more broadly. The implementation of social protection minima is essential. The Commissioner can address the human rights aspects of the crisis in several fields of activity: country monitoring, thematic publications, media work and contacts with international organisations. The Commissioner will publish an issue paper on human rights compliant responses to the crisis in 2013.

### **2.3 Freedom of expression and media freedom with a special focus on Internet freedom and human rights**

Commissioner Muižnieks identified freedom of expression and media freedom, with a special focus on Internet, social media and human rights, as one of the main themes on which he will concentrate during his mandate. His principal concerns in 2012 included the protection of journalists from violence, the safety of online media actors, access to the Internet and freedom of expression online, and the protection and empowerment of children as Internet users.

On 3 May, the Commissioner delivered a speech to 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. He stressed that freedom of expression and the right to be free from discrimination are complementary and not conflicting rights. The Commissioner 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. Nonetheless, he considered that existing systems have not been particularly effective in most European countries and that an urgent discussion was needed on the possible improvement of self-regulation.

In his Human Rights Comment “Continued attacks in Europe: journalists need protection from violence” published on 5 June, the Commissioner stressed that violence against journalists aims at the core of democracies and needs to be treated with the utmost seriousness by governments and politicians, who should signal very strongly that such attacks are unacceptable and will not go unpunished. There is a need to initiate prompt, thorough and transparent investigations and bring perpetrators to justice, and to impose sanctions that reflect the seriousness of the crime.

On 18 June, the Commissioner took part in an OSCE Conference on Internet Freedom in Dublin, which focused on the challenges to freedom of expression and media freedom online and the debate around Internet governance. OSCE participating states, civil society in the OSCE region, the ICT sector, academia and media took part in the event. The Commissioner participated in a high-level panel discussion on the means to ensure that the Internet remains an open, global and public forum for exercising freedoms of opinion and expression and for facilitating the enjoyment of other human rights. In his intervention, 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.

During the Internet Governance Forum (Baku 6-9 November 2012), the Commissioner participated in an *Open Forum on Safety of Online Media Actors* co-organised by the European Broadcasting Union, the Council of Europe, the OSCE and UNESCO in co-operation with the governments of Austria, the Netherlands and Sweden. In his speech, the Commissioner stressed that concerns about the safety and protection of online media actors should be addressed in an inclusive manner taking into consideration

not only professional journalists but also those who act in the public interest, for instance by stimulating debate or exposing maladministration. The Commissioner also highlighted the intimate link existing between the safety of online media actors and the protection of the Internet itself as an open space for the exercise of the right to receive and impart information, which must remain free from breaches of privacy or disproportionate or arbitrary controls.

On 23 November, the Commissioner's Office organised a consultation meeting on Internet, social media and human rights. The meeting was attended by several leading experts who assisted the Commissioner in identifying issues and further activities in this area: Mr Douwe Korff, Professor of International Law at the London Metropolitan University; Mr Joe McNamee, Advocacy Coordinator at the European Digital Rights; Mr Jérémie Zimmermann, Spokesperson and co-founder of La Quadrature du Net; Ms Nevena Ružić, Head of Office of the Commissioner for Information of Public Importance and Personal Data Protection of Serbia; Mr David Erdos, Legal researcher at the Center for Socio-Legal studies of Oxford University; and Ms Janice Richardson, European Schoolnet's Senior Advisor and Coordinator at Insafe.

The experts exchanged views with the Commissioner on access to the Internet and its contents without undue restrictions. They criticised the current trend whereby states give free rein to private Internet companies and operators in regulating the Internet, and insisted on the need for regulation based on principles and legal certainty. As for data protection and privacy, the main human rights issues identified by the experts included surveillance, profiling, blocking/filtering and anonymity. The protection and empowerment of children was also addressed with an emphasis on the need to raise awareness among children of the human rights dimension of their Internet use and the consequences of sharing personal information on the Internet.

## 2.4 Human rights of Roma

Roma-related issues continued to be given priority in the Commissioner's work throughout 2012. Roma are particularly affected by the economic crisis and austerity measures, and anti-Roma rhetoric, discrimination and instances of racially-motivated violence against Roma continued to be reported in many member states.

The Commissioner highlighted the segregation of Roma children in education as one of the worst forms of discrimination against Roma. On 8 November, he published a Human Rights Comment entitled "States must take resolute measures to end school segregation of Roma", in which he urged states to take more resolute measures to end school segregation of Roma by prohibiting it and undertaking comprehensive desegregation programmes. He stressed the need for all children to have access to inclusive forms of education. He made particular reference to the judgment of the European Court of Human Rights in the case of *D.H. and Others v. Czech Republic* and noted that further progress was still needed in its implementation. Roma education was also raised during the Commissioner's visits to Portugal, the Czech Republic and "the former Yugoslav Republic of Macedonia".

The evictions of Roma without the provision of adequate alternative accommodation and residential segregation were high on the Commissioner's agenda. These issues were addressed during the visits to Portugal, Italy and the Czech Republic. In June, the Commissioner expressed deep concern about the situation of around 300 Roma families who had been evicted from their settlement in the town of Baia Mare, Romania, and were subsequently relocated to a disused chemical factory.

In a Human Rights Comment published on 22 November ("Stop chasing Roma - start including them"), the Commissioner reminded member states of the fact that the increasingly frequent evictions without sustainable and adequate alternatives contravened international human rights standards. He also underlined that states should combat racism and discrimination against Roma and implement integration strategies which respond to the housing needs of Roma. In this regard, he reminded EU member states of the effective implementation of national Roma integration strategies put into place under the EU Framework for National Roma Integration Strategies (2012-2020). During his country visits the Commissioner was informed that some of these strategies lack adequate resources for their implementation.

Another issue of growing concern was the impact of current migration management policies restricting the freedom of movement of Roma. During his visit to “the former Yugoslav Republic of Macedonia”, the Commissioner focused on this question in addition to the problems faced by stateless Roma. In his report on Italy, the Commissioner encouraged the Italian authorities to resolve the long-standing problem of statelessness among Roma communities.

Throughout the year, the Commissioner urged member states to combat deep-rooted anti-Roma prejudice and discrimination as this posed a major obstacle to any progress towards Roma inclusion. On 30 November, he also held an exchange of views with the Ad Hoc Committee of Experts on Roma Issues (CAHROM), during which he outlined his main concerns in this field.

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

The human rights of lesbian, gay, bisexual, trans and inter-sex persons (LGBTI) was a central theme in the Commissioner’s work in 2012. Particular attention was given to freedoms of expression and assembly and the situation of trans and intersex persons.

On 21 June, the Commissioner published a Human Rights Comment “Silencing voices against homophobia violates human rights”. The Commissioner pointed out that recent laws banning information about LGBTI issues marked a worrying step backwards to 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 the human rights of LGBTI people.

On 17 October, the Commissioner published a web-item entitled “How long must LGBTI persons still wait to live free from prejudice?” The Commissioner stressed that human rights are universal and that they apply to everyone. He emphasised that politicians at national and local levels should do more to combat prejudices against LGBTI persons and raise awareness among the public with factual information about their situation. The Commissioner pointed out that the denial of LGBTI persons’ right to freedoms of assembly, association and expression prevented their full enjoyment of human rights. He also repeated his concern at the adoption by some European countries of legislation criminalising the “promotion of homosexuality”, which potentially prohibits a wide range of activities on issues related to human rights and LGBTI persons.

On 18 October, the Commissioner made a keynote address at the annual conference of the European Region of the International LGBTI Association (ILGA-Europe) in Dublin. The theme of the conference was “advancing LGBTI equality in challenging economic times”. Commissioner Muižnieks pointed out that homophobic and transphobic prejudices remained a major obstacle to the full equality of LGBTI persons. He stressed that austerity policies should not lead to disproportionate cuts for equality bodies and other human rights structures, which play a central role in mitigating the effects of the crisis. It is essential that their mandates cover discrimination on grounds of sexual orientation and gender identity among other grounds. The crisis had a particularly adverse effect on trans persons, exacerbating the difficulties they already experience in access to the labour market and health services. The Commissioner also underlined that more attention had to be paid to the situation of intersex persons.

The situation of trans and intersex persons and the freedom of assembly of LGBTI people were taken up in the Commissioner’s country monitoring as well. In his report on Finland, the Commissioner urged the Finnish authorities to pay particular attention to improving the protection afforded to trans and intersex persons especially in the field of hate crime legislation and the requirements for the official recognition of gender reassignment. In his letter to the Irish Minister for Social Protection, Ms Joan Burton, the Commissioner expressed concern at the lack of a clear timeline for the introduction of legislation on the legal recognition of transgender persons. Following the cancellation of the 2012 Belgrade Pride Parade, the Commissioner addressed a letter to the Prime Minister and the Minister of the Interior of Serbia, Mr

Ivica Dačić, pointing out that banning a peaceful demonstration could only be justified if there was a real danger to public order which could not be prevented by reasonable and appropriate measures.

The Commissioner's Office contributed to several international events on the human rights of LGBTI persons. On 16 May, the Office participated in a UNESCO meeting on education sector responses to homophobic bullying in Paris. The meeting highlighted the publication of a UNESCO report on the subject which also referred to the Commissioner's 2011 Report "Discrimination on grounds of sexual orientation and gender identity in Europe". The Office also participated in the Council Meeting of Transgender Europe in Dublin from 7-9 September and the Second Intersex Forum in Stockholm on 9-10 December. An exchange of views was held at the Forum on the possibilities for the Commissioner to promote the human rights of intersex persons.

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

The situation of persons with disabilities was a major concern for the Commissioner in 2012. While international standards, in particular the UN Convention on the Rights of Persons with Disabilities (CRPD) and the Council of Europe Disability Action Plan, enshrine far-reaching rights for persons with disabilities, their implementation has been slow and remains inadequate in all member states. As many support measures to which persons with disabilities are entitled entail the deployment of specific resources, austerity budgets have had a negative impact on this implementation process.

In his thematic work, the Commissioner drew in particular on two issue papers published by the Office in early 2012: one on the right of people with disabilities to live independently and be included in the community, and the other on the right to legal capacity for persons with intellectual and psychosocial disabilities. The Commissioner paid special attention to the situation of persons with psychosocial and intellectual disabilities, who constitute a particularly stigmatised and vulnerable group and who continue to be deprived of their most basic human rights in many member states.

The Commissioner's Office disseminated the issue papers in several languages. In addition, the Office presented both issue papers at a colloquium ("CRPD and EU Structural Funds: The way ahead for independent living" in Brussels on 7 May) organised by the Office of the UN High Commissioner for Human Rights (OHCHR) – Regional Office for Europe. The colloquium focused on the use of EU Structural Funds in accordance with 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 light of concerns that some EU member states use these funds to maintain existing institutions.

On 7-8 June, the Office presented the Commissioner's recommendations set out in the issue paper on the right to legal capacity for persons with intellectual and psychosocial disabilities at 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. The conference and its working groups focused on several issues, such as the right to political participation; involuntary placement and treatment; deinstitutionalisation; right to having a family; bullying and harassment; and legal capacity.

From 19-21 November, the Office participated in a Seminar on Human Rights and Disability, organised by the Turkish Ministry of Family and Social Policies in Mardin, Turkey. The seminar was attended by members of the judiciary, including judges from the three supreme courts of Turkey (the Constitutional Court, the Court of Cassation and the Council of State). The representative of the Commissioner's Office made two presentations on the role of domestic judges in implementing international human rights standards and on the right to legal capacity for persons with intellectual and psychosocial disabilities. The latter presentation focused on the substantial efforts required in all European states to implement Article 12 of the CRPD, including the establishment of supported decision-making alternatives.

The protection of the rights of persons with disabilities was also a focus in the Commissioner's country work in 2012, notably during his visits to Austria, Finland, Ireland and the Czech Republic. In this context, the Commissioner urged the Finnish and Irish authorities to continue reforms and complete the deinstitutionalisation process for persons with disabilities, with a view to allowing a rapid ratification of the

CRPD by these two countries. During all these visits and in subsequent reports and letters, the Commissioner stressed the importance of ensuring independent living and inclusion within the community, including inclusive education for children with disabilities, and made specific recommendations for improving the situation in each country.

Another major concern for the Commissioner in his country monitoring was the need to reform outdated and non-CRPD compliant legal capacity legislations, especially through the creation of supported decision-making alternatives. The situation of persons with intellectual and psychosocial disabilities and the protection of human rights in psychiatric care settings were addressed during the Commissioner's visits to Austria and the Czech Republic.

Particular emphasis was also given to the participation of persons with disabilities in all reform work concerning them and in the national monitoring mechanisms relating to the implementation of international standards.

### **3. Human Rights Defenders**

In 2012, the Commissioner continued to address the situation of human rights defenders and their work environment in the framework of his country and thematic work. During country visits, the Commissioner highlighted, among other things, the importance of developing and maintaining a genuine dialogue with non-governmental organisations considering the role they play in assisting the most vulnerable groups in society and in order to consult them on alleviating the consequences of the financial crisis. The Commissioner raised concerns about the lack of accountability and persisting impunity for serious violations against human rights defenders. From 2012, the Office of the Commissioner organised thematic round-tables with human rights defenders with a view to obtaining their input on priority issues of work.

#### **3.1 Round-table on Post-war justice and durable peace in the former Yugoslavia**

On 18 March, the Office of the Commissioner organised a "round-table on post-war justice and durable peace in the former Yugoslavia". The round-table took place in Sarajevo on the eve of the launch by the Commissioner of his issue paper on the same subject. Participants were human rights defenders from Bosnia and Herzegovina, Croatia, Kosovo\*, Montenegro, Serbia, Slovenia and "the former Yugoslav Republic of Macedonia".

The round-table provided the opportunity to discuss the main points raised in the Issue Paper. It also allowed for a better understanding of the on-going initiatives carried out by human rights defenders in the field of post-war justice. Civil society, including human rights organisations and defenders, play an essential role in this respect, as they have been gathering information, revealing evidence, co-operating with national and international institutions, organising educational campaigns and discussions, giving support to victims, and promoting accountability and reconciliation.

When discussing measures to eliminate impunity, human rights defenders underlined the importance of applying the principle of command responsibility at the national level; the necessity of increasing protection and support for victims and witnesses in war crime cases; and the need to enhance the International Criminal Tribunal for the former Yugoslavia (ICTY) legacy and outreach in the region. Human rights defenders also pointed to the difficulty for war victims to obtain adequate and effective reparation, as is the case for the "erased" in Slovenia and civilian victims of war. The RECOM initiative as a regional mechanism to establish and recognise the truth was extensively discussed. While considering

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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.

the institutional reforms needed to guarantee non-repetition, participants insisted on the importance of establishing an independent and competent judiciary, as well as inclusive educational systems.

A report on the round-table is available on the Commissioner's website.

### **3.2 Round-Table on the protection of migrant rights in Europe**

On 5 October, the Office of the Commissioner organised a round-table in Paris on the protection of migrant rights in Europe with the participation of human rights defenders from fifteen member states. The purpose of the event, which was led by the Commissioner, was two-fold: to discuss certain specific issues related to the human rights of migrants; and to assess the situation of human rights defenders working in this field.

When discussing the grounds and conditions of migrant detention, participants highlighted the inadequate conditions of detention, which often breach human rights standards and may in some cases amount to inhuman or degrading treatment. The inadequate access to legal assistance and to effective remedies for migrants in detention further exacerbates the situation. Moreover, it would appear that access to asylum procedures is seriously impeded. Many human rights defenders challenged the legitimacy and effectiveness of migrant detention practices. Alternatives to detention are under-used; however, caution should be exercised in this regard, as some of the alternative measures can also be abusive.

Participants expressed the general view that policies and measures for the integration of migrants in society are not given priority by national authorities and tend to be ineffectual. Family reunification constitutes an important component of integration efforts; however, it is a lengthy, costly and increasingly difficult process. Negative portrayals of migrants and foreigners in public discourse, the rise of xenophobic and racist tendencies and - more subtly - the perception that migrants are only temporary residents are factors detrimental to integration. Migrant women are more vulnerable to violence, abuse and exclusion, whether they are detained or not. They also tend to face more difficulties when seeking access to rights and redress.

Participants highlighted that intimidation, defamation, threats, verbal and physical attacks, administrative sanctions and judicial harassment are used to deter human rights defenders from working with migrants and from combating rising xenophobia and racism in Europe. Migrants and defenders assisting them are perceived as a threat to society, security and identity. Some human rights NGOs face difficulties gaining access to funding which impedes their activities. Given the difficult situation of migrants in detention, it is of the utmost importance that human rights defenders have access to places where migrants are deprived of their liberty and that they are able to provide assistance to those who need it.

A report on the round-table is available on the Commissioner's website.

On 19 December, the Commissioner published a Human Rights Comment entitled "Restrictions on defenders of migrants' rights should stop", in which he raised many of the issues discussed during the Round-Table. The Commissioner encouraged Council of Europe member states to adhere to the letter and spirit of the 1998 UN Declaration on human rights defenders. He also called for raising awareness of the human rights dimension of migration, referring to the key role that the media can play in this process. The Commissioner encouraged national human rights structures such as Ombudspersons to be more supportive of the work of defenders protecting migrants' rights and co-operate more systematically with a view to mutually increasing the impact of their respective work. He also urged national authorities to put a stop to impunity for violations against defenders who protect migrants, by carrying out effective investigations into all such incidents. Finally, he stressed that more needs to be done by the EU to address the difficulties that human rights defenders and organisations working in the area of migration and anti-discrimination face in EU member states.

### 3.3 Other events and activities

#### *Fourth inter-mechanisms meeting on the protection of human rights defenders*

The Office participated in the fourth meeting gathering international and regional mechanisms and programmes for the protection of human rights defenders. The meeting was organised in Geneva on 8 and 9 March by the Observatory for the protection of human rights defenders – a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH) – and hosted by the Office of the UN High Commissioner for Human Rights. Representatives of the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, the OSCE Office for Democratic Institutions and Human Rights, the European Union and the *Organisation Internationale de la Francophonie*, joined by several international NGOs, took part in the meeting.

Participants discussed possible avenues and concrete initiatives to strengthen co-operation and co-ordination on supporting and protecting human rights defenders. Specific issues discussed concerned ensuring accountability for human rights violations against human rights defenders, in particular combating impunity, and challenges affecting the protection of human rights defenders in relation to freedom of association, including the right to receive and have access to funding.

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

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.

## 4. Co-operation with national human rights structures

National human rights structures (NHRs – e.g. ombudsman institutions, human rights commissions and equality bodies) are essential partners in the Commissioner's dialogue with member states as laid out in the Commissioner's mandate. In 2012, the Commissioner met with the heads of NHRs during his country visits and in Strasbourg to discuss human rights issues and the best ways to address them. Information provided by NHRs was regularly used in the preparation of country visits and referred to in the reports following them. The Commissioner also met with representatives of the European Group of National Human Rights Institutions in Brighton in April and those of the European Network of Equality Bodies (Equinet) in Strasbourg in May.

In 2012, a particular focus was placed on the effects of the economic crisis and austerity measures on the functioning of NHRs. The Commissioner raised concerns about budget and staff cuts to NHRs and their mergers into bigger entities. He also recommended that Governments involve NHRs at all stages of the budget process to inject a human rights perspective into the responses to the crisis.

The Commissioner is in the process of enhancing his multilateral engagement with NHRs. In April, the Commissioner's Office participated in the annual meeting of the EU Agency for Fundamental Rights (FRA) and National Human Rights Institutions in Vienna. In October, the Office participated in a meeting, convened by the FRA, to discuss co-operation between international organisations and different networks

of NHRs. The European Group of National Human Rights Institutions, Equinet, and the Office of the EU Ombudsman were represented at the meeting. It is planned that the Council of Europe and FRA will organise a meeting with European NHRs in late 2013.

## **5. Co-operation with European and international organisations**

### **5.1 European Union**

In September, the Commissioner 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 November, the Commissioner met with the European Commission Vice-President for Digital Agenda, Ms Neelie Kroes, during the Open Forum on Safety of Online Media Actors in Baku. During the Forum, the Vice-President, the Commissioner, and the OSCE Representative on Freedom, Ms Dunja Mijatović, hosted an exchange of views with members of the Azerbaijani media on the safety of journalists. The three officials issued a joint statement expressing their availability to support progress in Azerbaijan in the field of securing the right to freedom of expression and media freedom, both offline and online.

In November, the Commissioner met with the Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship, Ms Viviane Reding, in Strasbourg. The discussions focused on the situation of Roma and access to Justice, with particular reference to the Commissioner's country visits and the EU Commission's benchmarks for the functioning of the judicial system.

Information on the results of the Commissioner's country monitoring was exchanged with relevant Commission services and the European External Action Service during the year.

In May, the Commissioner visited the EU Agency for Fundamental Rights (FRA) in Vienna and held discussions with the Chairperson of the FRA Management Board, Ms Ilze Brands Kehris, and the Director of FRA, Mr Morten Kjaerum. The Commissioner informed the FRA representatives about his priorities while the FRA gave an overview of their on-going research activities. It was agreed that co-operation would be developed further in order to improve the effectiveness of the shared human rights agenda.

In November, the Commissioner met with the new Chairperson of the FRA Management Board, Ms Maija Sakslin, and FRA Director Mr Morten Kjaerum in Strasbourg. In December, the Commissioner made a keynote address at the Fundamental Rights Conference of the FRA in Brussels.

Information on human rights issues was regularly exchanged between the FRA and the Commissioner's Office. In 2012, the Office also contributed to several FRA seminars and meetings on national human rights structures and people with disabilities.

### **5.2 Organization for Security and Co-operation in Europe**

In May, the Commissioner met with the OSCE Representative on Freedom of the Media, Ms Dunja Mijatović, in Vienna. The protection of journalists and access to social media were the major issues discussed during the meeting. In November, the Commissioner, the Representative on Freedom of the Media and the European Commission Vice-President for Digital Agenda hosted an exchange of views with members of the Azerbaijani media on the safety of journalists on the occasion of the Open Forum on Safety of Online Media Actors in Baku (see above under "EU"). While in Baku, the Commissioner and the OSCE Representative also visited four detained journalists at the detention centre No. 1 in Kurdakhani.



In June, the Commissioner addressed the Dublin Conference on Internet Freedom, organised under the Irish chairmanship of the OSCE. During the conference, he met with the Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Janez Lenarčič, and exchanged views on the activities of their respective institutions. In December, the Commissioner met with the First Deputy Director of OSCE/ODIHR, Mr Douglas Wake, in Strasbourg. The discussion focused on the situation of Roma.

In September, the Commissioner met the OSCE High Commissioner on National Minorities, Ambassador Knut Vollebaek, in Strasbourg. The meeting focused on their work priorities, 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. In November, the Director of the Commissioner's Office participated in the launching conference of the High Commissioner's Guidelines on Integration of Diverse Societies in Ljubljana.

The OSCE/ODIHR and the Commissioner's Office exchanged information on the situation of human rights defenders and the incidence of hate crimes in Europe. The Commissioner met with OSCE field missions during his country visits.

### **5.3 United Nations**

In September, the Commissioner met the UN High Commissioner for Human Rights, Ms Navanethem Pillay, in Geneva. The discussions 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. In September, the Commissioner also met with the Regional Representative at the OHCHR Regional Office in Europe, Mr Jan Jařab, in Brussels.

In September, the Commissioner held talks with the UN Assistant High Commissioner for Refugees, Ms Erika Feller, in Geneva. The meeting related to problems in determining refugee status at the national level, the Sarajevo process of providing housing to refugees, the situation of stateless children, and alternatives to the detention of migrants.

The Commissioner maintained regular contacts with UN special rapporteurs in the course of country and thematic monitoring and met with UN field representatives during country visits. The Commissioner's country reports were made available to the UPR conducted by the Human Rights Council and were referred to in the outcome documents.

Frequent contacts took place between the Commissioner's Office and the respective UN organisations at technical level. In May, the Office provided expertise on age discrimination at a UN Expert Group Meeting on the Human Rights of Older Persons in New York. In December, the Office participated in the 6th Coordination Meeting between the Council of Europe and the OHCHR in Geneva. The meeting was followed by an international workshop on co-operation between the UN human rights system and regional human rights mechanisms world-wide.

## **6. Communication and information work**

Extensive work with the media continued in 2012, featuring numerous interviews, comments, tweets, press releases and publications. This led to increased visibility of the Commissioner's activities both in traditional and online media.

The most widely covered activities were country reports and visits, as well as the work on the human rights of Roma, migrants and asylum seekers, racism, the impact of austerity measures on human rights, freedom of expression and of the media, and the rights of prisoners.

The Commissioner's activities featured extensively on national media outlets as well as on leading media with an international outreach, including *The Economist*, *The New York Times*, *the Financial Times*, *BBC*, *The Guardian*, *Le Monde*, *Reuters*, *Associated Press*, *AFP*, *DPA*, *EFE*, *ANSA*, *Al Jazeera*, and *France Télévision*.

The Commissioner's homepage was restyled and made more user-friendly. A thematic webpage on post-war justice and durable peace in the region of the former Yugoslavia was published in February. More than 88,000 unique visitors have surfed on the Commissioner's website. The use of social media also increased, especially Twitter, where the number of followers reached more than 2,900 by the end of 2012. The Commissioner's general and personal profile on Wikipedia have been uploaded and edited and a new human rights comment website has been created.

Commissioner Muižnieks published the following Human Rights Comments in 2012:

- National Human Rights Structures can help mitigate the effects of austerity measures (31 May)
- Continued attacks in Europe: journalists need protection from violence (5 June)
- Silencing voices against homophobia violates human rights (21 June)
- Anti-Muslim prejudice hinders integration (July 24)
- Internally displaced persons in Europe: Another lost generation? (September 3)
- States should do more to protect women from violence (October 9, 2012)
- States must take resolute measures to end school segregation of Roma (November 8, 2012)
- Stop chasing Roma. Start including them (November 22)
- Restrictions on defenders of migrants' rights should stop (19 December).

## **7. Staff and Budget**

In 2012, the total number of permanent posts in the Commissioner's office remained at the same level as in 2011: 21 posts (13 A-grade posts and 8 B-grade posts) and three fixed-term positions. To cope with the increasing workload, the Office employed three temporary staff and one staff member was seconded by the Swiss government (until June). The ordinary overall budget appropriations were of €2,940,500.

In 2012, the Commissioner benefited from a total amount of € 50,000 in voluntary contributions from the governments of Germany and Monaco. The Commissioner expresses his sincere gratitude for the voluntary contributions given by these member states.

The budget of the Commissioner for Human Rights covers the basic structure necessary for the implementation of the mandatory activities which should be assured by permanent means from the ordinary budget of the Council of Europe.

The level of resources available to the Commissioner has not yet reached the necessary ceiling which had been identified by the previous Commissioners and which has also been taken on by Commissioner Muižnieks.

The outstanding request of the Commissioner is to dispose of an Office which counts 30 permanent posts and the corresponding operational budget. The Commissioner is also of the opinion that once this level has been reached, it will constitute a maximum not to be exceeded in order that the Office may maintain the fluidity and flexibility of its functioning.

## Appendix 1

### Summary of activities 1 January – 30 March 2012

This appendix contains a summary of the activities carried out by the Commissioner for Human Rights, Mr Thomas Hammarberg, between 1 January and 31 March 2012, date of the end of his six year mandate.

#### Missions and visits

On 17 January, the Commissioner carried out a visit to the Transnistrian region of the Republic of Moldova. The purpose was to discuss pressing issues affecting the protection of the rights of the people living in the region with the de facto authorities and with representatives of the human rights structures. The Commissioner was informed by his interlocutors in Tiraspol about several important measures they intend to implement with regard to the functioning of the local court system, the police and the penitentiary institutions.

On 8-9 February, the Commissioner visited Iceland, focusing on certain human rights issues, such as non-discrimination and the reform of equal treatment legislation, the functioning and independence of the judiciary and the prosecution service, social and economic rights and human rights provisions in the proposal for a new Constitution.

On 16-17 February, the Commissioner visited Andorra. He examined issues related to the prevention of domestic violence, protection against discrimination, and the promotion of national independent monitoring of human rights standards.

On 20-23 February, the Commissioner visited Switzerland. The visit clarified how the Swiss federal political system works for the enhancement of human rights protection. The Commissioner held a series of meetings on issues relating to protection against all forms of discrimination.

On 24 February, the Commissioner visited Liechtenstein. He was informed about the ongoing discussion on a reform to broaden the coverage of the existing national human rights protection structures.

On 7-8 March, the Commissioner visited Luxembourg, focusing on issues relating to the situation of asylum seekers and irregular migrants and on juvenile justice.

#### Reports and continuous dialogue

On 10 January, the Commissioner published a report following his visit to Turkey from 10-14 October 2011. The report covers the impact of the administration of justice on the protection of human rights in Turkey. The Commissioner underlined that despite serious reforms undertaken and the progress achieved by Turkey in tackling some of the major obstacles in recent years, its law and practice is still not in line with the case-law of the European Court of Human Rights. One of the major factors hampering progress lies in the established attitudes and practices followed by judges and prosecutors at different levels giving precedence to the protection of the state over the protection of human rights. The Commissioner also encouraged the authorities to look at the role of prosecutors and the functioning of the judicial police, as well as at the quality of indictments.

On 11 January, the Commissioner published a letter addressed to the Prime Minister of the Republic of Moldova, Mr Vladimir Filat. The letter followed up on discussions the Commissioner had during his visit to the Republic of Moldova from 19-22 October 2011. The Commissioner stressed that addressing the remaining human rights consequences of the violent events of April 2009 is a pressing need for the Republic of Moldova. He noted with concern the unjustifiable leniency from which those responsible for acts of violence against protesters have benefitted.

On 12 January, the Commissioner published a letter addressed to Mr János Martonyi, the Hungarian Minister for Foreign Affairs about the new Law on the Right to Freedom of Conscience and Religion, which deprives a great number of religious denominations of their church status. The Commissioner stressed that the non-recognised religious communities are denied rights and privileges which they previously enjoyed in Hungary and now face severe legal and procedural obstacles when trying to regain church status.

On 23 February, the Commissioner published a report and a letter following his visit to Ukraine from 16-19 November 2011. The report covers the administration of justice and the protection of human rights in the justice system in Ukraine. The Commissioner recommended simplifying the overall organisation of the judiciary and fully clarifying the respective roles and jurisdiction of different levels in the court system, in particular at the cassation level. Concrete measures are also needed to increase the transparency of the judicial system and make it more open to public scrutiny.

On 22 February, the Commissioner published his observations addressed to the government of Bulgaria. The Commissioner stressed that in spite of some progress, the situation of children living in some institutions remains seriously substandard. The plans to phase out the system of institutional care of children should be pursued as a matter of priority. The Commissioner expressed the hope that the new education law currently being prepared will ensure access to quality education also to those children with moderate, severe and profound intellectual disabilities living in "Homes for Mentally Disabled Children".

On 29 February, the Commissioner published a letter addressed to the Rt Hon Eric Pickles, Secretary of State for Communities and Local Government. The Commissioner stressed that shortcomings have been highlighted, in particular by the European Court of Human Rights and the European Committee of Social Rights, in the field of guaranteeing the right to adequate housing for Gypsies and Travellers in the UK<sup>4</sup>. He regretted the dismantling of the system which required local authorities to carry out assessments concerning the accommodation needs of Gypsies and Travellers and to present a strategy to meet those needs.

On 15 March, the Commissioner published a letter addressed to the UK Lord Chancellor and Secretary of State for Justice, Kenneth Clarke. The Commissioner noted that despite some progress, the system of juvenile justice in the United Kingdom remains excessively punitive. The state's response to juvenile crime should focus more on rehabilitation. He stressed that the relative ease with which children are put in custody raises questions as to the compatibility of this approach with the European Convention on Human Rights and the UN Convention on the Rights of the Child.

On 28 March, the Commissioner published a letter addressed to Federal Councillor Didier Burkhalter, Head of the Swiss Federal Department of Foreign Affairs. The Commissioner noted that manifestations of racism and xenophobia appear to be on the rise in Switzerland. Disturbing political campaigns with aggressive, insulting slogans against foreigners are of great concern. He stressed that while recognising the value and importance of an open political debate, it has to be made clear that freedom of expression is not absolute: hate speech violating the rights of others is unacceptable. Swiss criminal law needs to be overhauled in order to put an end to impunity for xenophobic and racist public discourse.

## **Themes**

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

In February and March respectively, the Commissioner published two issue papers on the rights of persons with disabilities. The first deals with the right to legal capacity for persons with intellectual and psychosocial disabilities; the second with the right to live independently and to be included in the community. These issue papers contribute to efforts towards the implementation of the UN Convention on

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<sup>4</sup> This terminology refers to a heterogeneous group of persons in the United Kingdom who associate themselves with a Gypsy and/or Traveller identity, including Romany Gypsies and Irish Travellers.

the Rights of Persons with Disabilities (UNCRPD), which protects these rights respectively in its Articles 12 and 19.

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

The Commissioner published on 27 February a report on “Human rights of Roma and Travellers in Europe”.

The report is the first comprehensive overview of the human rights situation of Roma and Travellers in all 47 member states of the Council of Europe. It focuses on specific themes, such as anti-Gypsyism; racially motivated violence; conduct of law enforcement and judicial authorities; forced sterilisations and removal of children from the care of their biological parents; economic and social rights; statelessness, and freedom of movement. The report also highlights the importance of increasing the participation of Roma and Travellers in public life and decision-making processes.

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

On 19 March, the Commissioner published his Issue Paper on “Post-war justice and durable peace in the former Yugoslavia”. The paper was presented publicly at a launch event which took place in Sarajevo and was attended by around a hundred participants.

The Issue Paper deals with the process of post-war justice and the efforts aiming to establish durable peace in the region of the former Yugoslavia, following the armed conflicts in the 1990s characterised by “ethnic cleansing” and atrocities unseen in Europe since the Second World War. The paper focuses on four major components of post-war justice: the necessary measures for the elimination of impunity; provision of adequate and effective reparation to war victims; the need to establish and recognise the truth concerning the gross human rights violations and serious violations of international humanitarian law that occurred in the region; and the guarantees of non-repetition through necessary institutional reforms.

### **Other meetings**

#### ***OSCE Permanent Council meeting (Vienna)***

On 2 February, the Commissioner addressed the Permanent Council of the OSCE in Vienna. The Commissioner said that the priorities of the Council of Europe and the OSCE, especially in the human dimension, are similar, despite the differences in the two organisations’ mandates. He mentioned the importance of taking good account of the human rights aspects of addressing protracted conflicts in Europe and said that the Council of Europe stands ready to co-operate with the OSCE on this.

#### ***Amnesty Chair Lecture (Ghent)***

On 9 March, the Commissioner delivered the Amnesty Chair Lecture at the University of Ghent, Belgium. His speech focused on the need for a renewed commitment to human rights enforcement in Europe and is available on the Commissioner’s website.

#### ***Conference on combating discrimination on grounds of sexual orientation (Strasbourg)***

On 27 March, the Commissioner addressed the Conference “*Combating discrimination on the grounds of sexual orientation or gender identity across Europe: Sharing knowledge and moving forward*” which was organised by the UK Chairmanship of the Committee of Ministers in Strasbourg. The Commissioner stressed the universality of human rights and the fact that lesbian, gay, bisexual and transgender (LGBT) persons were entitled to fully enjoy all human rights. He noted with concern recent attempts to curtail the freedom of expression of LGBT persons through legislative measures sanctioning people accused of “promoting homosexuality”. The Commissioner also highlighted the particularly vulnerable situation of transgender persons and the obstacles they encountered in the official recognition of their gender identity.

## **Communication and Information work**

The activities which received the most extensive media coverage were the publication of the report on Turkey, the release of the report on human rights of the Roma in Europe and the country visits.

The following Human Rights Comments have been published during the period concerned:

- Discriminatory policies towards elderly people must stop (19 January);
- The right to conscientious objection to military service should be guaranteed in all parts of Europe (2 February);
- Persons with intellectual and psycho-social disabilities must not be deprived of their individual rights (20 February);
- Persons with disabilities have a right to be included in the community – and others must respect this principle (13 March);
- Government leaders distort justice when they interfere in individual court cases (20 March).

## Appendix 2

### List of Office Activities in 2012

#### A. Visits and reports

In 2012 the following country visits, missions and contact visits were carried out:

16 to 17 January	Republic of Moldova
8 to 9 February	Iceland
16 to 17 February	Andorra
20 to 23 February	Switzerland
24 February	Liechtenstein
7 to 8 March	Luxembourg
7 to 9 May	Portugal
4 to 6 June	Austria
11 to 13 June	Finland
3 to 6 July	Italy
4 to 6 September	Albania
10 to 12 October	Turkey
17 to 19 October	Ireland
21 to 25 October	Russian Federation
5 to 8 November	Azerbaijan
12 to 15 November	Czech Republic
26 to 29 November	“the former Yugoslav Republic of Macedonia”

In 2012, the following country reports and letters were published:

#### *Turkey*

- Report by the CoE Commissioner for Human Rights following his visit to Turkey from 10 to 14 October 2011. Issues reviewed: administration of justice and protection of human rights in Turkey (published on 10 January 2012 with reference CommDH(2012)2).

#### *Republic of Moldova*

- Letter from the CoE Commissioner for Human Rights to Mr Vladimir Filat, Prime Minister of the Republic of Moldova, following up on discussions held during visit to the Republic of Moldova from 19 to 22 October 2011. Issues reviewed: observations on human rights issues related to the April 2009 events and non-discrimination (dated 21 December 2011 and published on 11 January 2012 with reference CommDH(2012)3).

#### *Hungary*

- Letter from the CoE Commissioner for Human Rights to Mr János Martonyi, the Minister of Foreign Affairs of Hungary. Issue reviewed: the new Law on the Right to Freedom of Conscience and Religion (dated 16 December 2011 and published on 12 January 2012 with reference CommDH(2012)4).

#### *Ukraine*

- Report by the CoE Commissioner for Human Rights following his visit to Ukraine from 19 to 26 to 10 November 2011. Issues reviewed: administration of justice and protection of human rights in the justice system in Ukraine (published on 23 February with reference CommDH(2012)10).
- Letter from the CoE Commissioner for Human Rights to Mr Anatolii Mohylov, Prime Minister of the Autonomous Republic of Crimea following up on discussion held during his visit from 24 to 26

November 2011. Issue reviewed: minority rights (dated 31 January 2012 and published on 23 February 2012 with reference CommDH(2012)11).

#### *Bulgaria*

- Letter from the CoE Commissioner for Human Rights to Mr Nickolay Mladenov, Minister of Foreign Affairs of Bulgaria. Issues reviewed: human rights of children in institutions and the human rights of Roma and other minorities (dated 24 January 2012 and published on 22 February 2012 with reference CommDH(2012)12).

#### *United Kingdom*

- Letter from the CoE Commissioner for Human Rights to the Rt Hon Eric Pickles, Secretary of State for Communities and Local Government of the United Kingdom. Issues reviewed: the protection of the human rights of Gypsies and Travellers, and in particular their right to adequate housing (dated 13 February 2012 and published on 15 March 2012 with reference CommDH(2012)14).
- Letter from the CoE Commissioner for Human Rights to Mr Kenneth Clarke, Lord Chancellor and Secretary of State for Justice of the United Kingdom. Issue reviewed: juvenile justice system (dated 29 February 2012 and published on 15 March 2012 with reference (CommDH(2012)17).

#### *Switzerland*

- Letter from the CoE Commissioner for Human Rights to Federal Councillor Didier Burkhalter, Head of the Swiss Federal Department of Foreign Affairs. Issues reviewed: Anti-discrimination, the protection of the human rights of immigrants, refugees and asylum seekers and institutional framework concerning human rights (dated 12 March 2012 and published 28 March 2012 with reference CommDH(2012)19).

#### *Portugal*

- Report by the CoE Commissioner for Human Rights following his visit to Portugal from 7 to 9 May 2012. Issues reviewed: impact of fiscal austerity measures on children's rights and on the human rights of the elderly; protection of the human rights of Roma (published on 10 July 2012 with reference CommDH(2012)22).

#### *Austria*

- Report by the CoE Commissioner for Human Rights following his visit to Austria from 4 to 6 June 2012. Issues reviewed: national system for promoting and protecting human rights; human rights of asylum-seekers, persons with disabilities, women and older persons (published 11 September 2012 with reference CommDH(2012)28).

#### *Italy*

- Report by the CoE Commissioner for Human Rights following his visit to Italy from 3 to 6 July 2012. Issues reviewed: excessive length of court proceedings, protection of the human rights of Roma and Sinti; protection of the human rights of migrants, including asylum seekers (published on 18 September 2012 with reference CommDH(2012)26).

#### *Finland*

- Report by the CoE Commissioner for Human Rights following his visit to Finland from 11 to 13 June 2012. Issues reviewed: systematic work for implementing human rights; non-discrimination and reform of equal treatment legislation; Human rights of the indigenous Sámi people (published on 25 September 2012 with reference CommDH(2012)27).

#### *Serbia*

- Letter from the CoE Commissioner for Human Rights to Mr Ivica Dačić, Prime Minister and the Minister of the Interior of Serbia. Issue reviewed: cancellation of the 2012 Belgrade Pride Parade (dated 4 October 2012 and published on 17 October with reference CommDH(2012)33).



*Albania*

- Letter from the CoE Commissioner for Human Rights to Mr Eduard Halimi, Minister of Justice of Albania following up on discussion held during his visit from 4 to 6 September 2012. Issue reviewed: access to justice (dated 15 October 2012 and published on 6 November 2012 with reference CommDH(2012)32).

*Ireland*

- Letter from the CoE Commissioner for Human Rights to Mr Alan Shatter, Minister for Justice, Equality and Defence of Ireland following up on discussions held during his visit from 17 to 19 October. Issues reviewed: further action in the field of asylum, juvenile justice, gender equality and the human rights protection system (dated 9 November 2012 and published on 6 December with reference CommDH(2012)35).
- Letter from the CoE Commissioner for Human Rights to Ms Joan Burton, the Minister for Social Protection of Ireland following up on discussions held during his visit from 17 to 19 October. Issue reviewed: legal recognition of transgender persons (dated 16 November 2012 and published on 6 December with reference CommDH(2012)37).
- Letter from the CoE Commissioner for Human Rights to Ms Kathleen Lynch, Minister of State with special responsibility for Disability, Equality, Mental Health and Older People of Ireland following up on discussions held during his visit from 17 to 19 October. Issue reviewed: reform of legislation on the rights of persons with disabilities (dated 9 November 2012 and published on 6 December with reference CommDH(2012)36).

*Georgia*

- Letter from the CoE Commissioner for Human Rights to Mr Bidzina Ivanishvili, Prime Minister of Georgia. Issue reviewed: prison abuse (dated 31 October 2012 and published on 4 December with reference CommDH(2012)34).

**B. Issue Papers, Opinions, Recommendations and other publications**

The Commissioner publishes a variety of documents on human rights themes. Their aim is to raise awareness and to give advice to member states on the protection of human rights.

- *Avrupa'da İnsan Hakları*, the Turkish-language version of "Human rights in Europe: no grounds for complacency" viewpoints collection, January 2012.
- Issue Paper on *Who Gets to Decide? Right to legal capacity for persons with intellectual and psychosocial disabilities*, February 2012.
- Report *Human rights of Roma and Travellers in Europe*, February 2012. Extracts from the full report were published in French, Italian, Romani, Romanian, Hungarian, Slovak, Czech, Spanish, Bulgarian, Albanian, Serbian, Russian and Turkish.
- Issue Paper on *The right of people with disabilities to live independently and be included in the community*, March 2012.
- Issue Paper on *Post-war justice and durable peace in the former Yugoslavia*, March 2012. The issue paper was also published in Bosnian, Croatian and Serbian.

### **C. Events organised by the Office**

With the aim of promoting awareness of human rights and exploring specific concerns, the Commissioner organises workshops and conferences on topical questions. The Commissioner and his Office also contribute to debates on human rights through their participation in major conferences.

In 2012, the Commissioner's Office organised or co-organised the following events:

- Launch of CommHR collection of Viewpoints *Avrupa'da İnsan Hakları* (Istanbul, 20 January).
- Launch of CommHR Report *Human rights of Roma and Travellers in Europe* (Brussels, 27 February)
- Round-Table with human rights defenders on "Post-war justice and durable peace in the former Yugoslavia" (Sarajevo, 18 March)
- Round-Table with human rights defenders on "The protection of migrant rights in Europe" (Paris, 5 October)
- Expert brainstorming "Effects of the economic crisis on the enjoyment of Human Rights" (Strasbourg 19 November)
- Expert brainstorming "Internet, social media and Human Rights" (Strasbourg, 23 November)

### **D. Events in which the Commissioner or his Office took part**

The Commissioner or his Office participated in the following major events during 2012:

- Commemorative event on the 5<sup>th</sup> anniversary of the murder of Hrant Dink (Istanbul, 19 January);
- European Court of Human Rights opening of judicial year speech (Strasbourg, 27 January);
- Meeting of Permanent Council of the OSCE in Vienna (Vienna, 2 February);
- Seminar "Roma in Europe" organised by the Swedish delegation to OSCE (Stockholm, 6 February);
- Seminar "The human rights of lesbian, gay, bisexual, transgender and intersex persons" organised by the Finnish Ministry for Foreign Affairs (Helsinki, 16 February);
- Seminar "Human Rights in the Constitution - a Nordic comparison" (Oslo, 28 February);
- Swedish Social Democratic Party (SDP) Foreign Policy Seminar "Foreign policy – value-based in its objectives and realistic in its means" (Helsinki, 5 March);
- University of Ghent Amnesty Chair Lecture (Ghent, 28 February);
- Hearing on legal capacity legislation, organised by the Joint Committee on Justice, Defence and Equality of the *Oireachtas* Irish Parliament (Dublin, 29 February);
- Conference "Combating discrimination on the grounds of sexual orientation or gender identity across Europe: Sharing knowledge and moving forward" organised by the United Kingdom Chairmanship of the Committee of Ministers (Strasbourg, 27 March);

- International symposium on judicial reform, organised jointly by the Turkish Ministry of Justice and the World Bank (Ankara, 2-3 April);
- High-level Conference on the Future of the European Court of Human Rights organised by the British Chairmanship of Council of Europe's Committee of Ministers (Brighton, 19-20 April);
- Seminar on "Adoption, disadvantaged children, and the rights of adults and children with disabilities" (Istanbul, 25-27 April);
- European Federation of Journalists – EFJ "Ethical Journalism Initiative: Journalism and the Challenge of Intolerance" (Brussels, 3 May);
- Colloquium "CRPD and EU Structural Funds: The way ahead for independent living" organised by the Office of the UN High Commissioner for Human Rights – Regional Office for Europe (Brussels, 7 May);
- Conference "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 of the University of Paris – II, under the patronage of the French and Argentine Governments (Paris, 15 May);
- UNESCO International Conference "Homophobic bullying" on the eve of the International Day Against Homophobia and Transphobia (Paris, 16 May);
- Conference "Dealing with the Past and Reconciliation: What kind of truth seeking mechanism does Kosovo need?" organised by the International Civilian Office (Priština, 22 May);
- UN Expert Group the Human Rights of Older Persons (New York, 29-31 May);
- Conference "Regions with legislative power in the Council of Europe and the European Union – challenges and strategic goals" organised in by the Regional Parliament of the Tyrol in co-operation with the Congress of Local and Regional Authorities of the Council of Europe (Innsbruck, 1 June);
- Conference on autonomy and inclusion for persons with intellectual and psychosocial disabilities, organised by the EU Fundamental Rights Agency, the Danish Ministry of Social Affairs and the Danish Institute for Human Rights (Copenhagen, 7-8 June);
- Dublin Conference on Internet Freedom, organised by Ireland in the framework of its Chairmanship in Office of the OSCE (Dublin, 18 June);
- Meeting on national mechanisms and public policies for the protection of human rights defenders organised in Geneva organised by the UN Special Rapporteur on the situation of human rights defenders and the NGO Protection International (Geneva, 18 June);
- Exchange of views on the effects of austerity measures with the PACE Committee on Social Affairs, Health and Sustainable Development (Strasbourg, 25 June);
- Exchange of views on media freedom with members of the PACE Committee on Culture, Science, Education and Media (Strasbourg, 26 June);
- 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 (Tirana, 5 September);

- 31st Council of Europe Conference of Ministers of Justice “Responses of justice to urban violence” (Vienna, 19-21 September);
- Open Society Foundation Debate “Is freedom to debate becoming freedom to hate?” (Brussels, 27 September);
- 2<sup>nd</sup> Council of Europe Conference of Ministers responsible for Social Cohesion “Building a secure future for all. Protecting and empowering groups of vulnerable persons, particularly in times of crises” (Istanbul, 11-12 October 2012);
- Conference “Post-socialist justice after two decades” co-organised by the Soros Foundation Latvia and the Riga Graduate School of Law Riga, 10-11 October);
- Conference on the third Thematic Commentary of the Advisory Committee on the Framework Convention for the Protection of National Minorities (Strasbourg, 15 October);
- Meeting organised by EU Agency for Fundamental Rights on cooperation between that agency, the Council of Europe and national human rights structures (Vienna, 15 October);
- 23<sup>rd</sup> Session of the Congress of Local and Regional Authorities of the Council of Europe (Strasbourg, 16 October);
- Annual General Conference of the European Council on Refugees and Exiles (ECRE) (Dublin, 17 October);
- Annual conference of the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (Dublin, 18 October);
- Open Forum on Safety of online media actors co-organised by the European Broadcasting Union, the Council of Europe, the OSCE and the UNESCO in co-operation with the governments of Austria, the Netherlands and Sweden, at the Internet Governance Forum (Baku, 7 November);
- Launching conference of the OSCE High Commissioner on National Minorities (HCNM) Guidelines on Integration of Diverse Societies, organised by the HCNM and the Slovenian Ministry of Foreign Affairs (Ljubljana, 7 November);
- Launch conference of the European Network on Statelessness – ENS (Budapest, 19-21 November);
- Seminar on Human Rights and Disability, organised by the Turkish Ministry of Family and Social Policies (Mardin, 19-21 November);
- Exchange of views with the Ad Hoc Committee of Experts on Roma Issues – CAHROM on the occasion of the Committee’s fourth meeting (Strasbourg, 30 November);
- Conference “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” (Strasbourg, 30 November);
- Seminar to discuss the findings and recommendations of the Commissioner’s report following the June 2012 visit organised by the Finnish Human Rights Centre and the Ministry for Foreign Affairs (Helsinki, 30 November);
- Celebration event of the 10<sup>th</sup> anniversary of the European Commission for the Efficiency of Justice – CEPEJ (Strasbourg, 6 December);

- Fundamental Rights Conference 2012 “Re-thinking Access to Justice in Practice” (Brussels, 7 December);
- 14<sup>th</sup> EU NGO Forum on Human Rights (Brussels, 7 December);
- 6<sup>th</sup> Coordination meeting between the Council of Europe and the Office of the High Commissioner for Human Rights in (Geneva, 11 December);
- Second Intersex Forum, organised by the International Lesbian, Gay, Bisexual, Trans and Intersex Association – ILGA (Stockholm, 9-10 December).