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1. Overview

The 2nd and 3rd quarterly activity reports covering the first six months of my mandate reflected my initiation into the daily work of the office of the Commissioner for Human Rights, my first country visits and the very beginning of new thematic work. This report, covering the 4th quarter of 2012, already reflects a more in-depth focus on certain priority issues.

I place great importance on the European Court of Human Rights and the European Convention as the centrepiece of the broader human rights architecture in Europe. I am convinced that the Commissioner's office, along with other bodies in the Council of Europe, must do everything possible to assist the Court and to ensure that its judgments are promptly and effectively executed by the member states.

In this reporting period, I devoted considerable effort in this regard. I conducted contact visits to two states which are among the lead sources of cases before the European Court of Human Rights – Turkey and the Russian Federation – and met with the Ministers of Justice and other officials linked to the judiciary. These meetings were the start of a fruitful dialogue which I intend to take forward in forthcoming visits focussing on the administration of justice in both countries.

While seeking to assist some countries address the structural causes behind high numbers of complaints, I have also focussed on “implementation gaps”. I organised a country visit to the Czech Republic to coincide with the 5th anniversary of the landmark *D.H. and others v. the Czech Republic* judgment of the Court, which found that the disproportionate placement of Roma pupils in special schools was discriminatory. In a forthcoming report, my office will provide a critical analysis of progress to date and necessary future steps. I also stressed the need to implement the Court's judgments in a number of media interventions linked to cases on prisoner's voting rights in the United Kingdom and access to abortion in Ireland.

Access to justice was another topic that engaged my efforts during the reporting period. During a September visit to Albania, I became convinced of the need for the Albanian authorities to improve their national legal aid system. I addressed a letter to the Albanian Minister of Justice with concrete questions and suggestions, to which he responded in a very constructive manner. I focussed on access to justice, particularly to national human rights structures, in a visit to Ireland which was followed by a useful exchange of letters with the Irish Minister for Justice, Equality and Defence. I also had the pleasure of giving a keynote address on access to justice in times of austerity to the EU Fundamental Rights Conference in Brussels.

This period was also marked by significant attention to Roma-related human rights issues. As already noted above, a country visit to the Czech Republic focussed on the human rights of Roma, particularly access to education on a non-discriminatory basis and the need to combat anti-Gypsyism. During a country visit to “the former Yugoslav Republic of Macedonia”, I also examined Roma segregation in education, as well as issues pertaining to statelessness of Roma and the right to freely leave the country.

During this reporting period, I published two human rights comments devoted to Roma-related issues. The first was on the broader phenomenon of school segregation of

Roma, which is an issue of concern in many Council of Europe member states, not only the two mentioned in the previous paragraph. The second comment was on forced evictions of Roma, which are so common in many European countries, but which disrupt Roma education and integration efforts, and are inhumane, costly and counterproductive.

Another topic that my office has spent considerable effort in addressing is that of migration and human rights. We organized a very stimulating round-table with human rights defenders actively working on issues relating to migration and asylum. The conclusions of that seminar will be reflected in a seminar report, and I also published a human rights comment on the need to stop restrictions on the work of these defenders. Another forum in which I had a very useful exchange of views with experts was the Annual General Conference of the European Council on Refugees and Exiles (ECRE), held in Dublin, Ireland, where I was keynote speaker. The insights and contacts gained at these two events create a sound foundation for our future work in this important area of human rights.

2. Missions and Visits

Mission to Turkey

The Commissioner travelled to Turkey from 10-12 October to participate in the 2nd Council of Europe Conference of Ministers responsible for Social Cohesion (Istanbul, 11-12 October 2012). In his keynote address, the Commissioner pointed to the additional strain put by the global financial crisis on social cohesion and stressed that human rights are the essential glue for keeping European societies together in the face of this phenomenon. In this respect, he identified three human rights tasks in particular: protecting the most vulnerable through strong anti-discrimination legislation; implementing international norms relating to social cohesion, such as Protocol No. 12 to the ECHR and the European Social Charter; and creating strong national human rights mechanisms, which should be included in planning and monitoring austerity measures. The speech is available on the Commissioner's website.

The Commissioner took the opportunity of his presence in Turkey 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 Commissioner's latest 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, Ambassador Erdoğan İçsan. He also met with the Head of Delegation of the European Union to Turkey, Ambassador Jean-Maurice Rippert. Furthermore, the Commissioner held extensive meetings with academics and representatives of civil society, including a number of human rights non-governmental organisations.

Mission to Ireland

The Commissioner travelled to Ireland from 17 to 19 October to participate in two events: the International Lesbian and Gay Association (ILGA)-Europe's Annual Conference 2012 and the Annual General Conference of the European Council on Refugees and Exiles (ECRE). As detailed further below, the Commissioner delivered speeches at both events.

The Commissioner took the opportunity of his presence in Ireland to discuss certain human rights issues, including the envisaged changes to the human rights protection system and the rights of persons with disabilities, with national authorities and institutions as well as civil society representatives. Bilateral meetings were held with the Minister for 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, Equality and Defence, Mr David Stanton, the Ombudsman, the Ombudsman for Children, as well as with executives of the Irish Human Rights Commission and the Equality Authority. A courtesy call on the President of Ireland, Mr Michael D. Higgins, concluded the visit. On his return, the Commissioner shared some observations in letters addressed to the three aforementioned Ministers (see below).

Mission to the Russian Federation

Commissioner Muižnieks carried out a contact mission to the Russian Federation from 21 to 25 October, where he held discussions with representatives of the national authorities, including the Minister of Justice, Mr Alexander Konovalov, the Deputy Minister of the Interior, Mr Igor Zubov, the Prosecutor General of the Russian Federation, Mr Yuri Chaika, the Head of the Federal Migration Service, Mr Konstantin Romodanovskiy, the Head of the Investigative Committee, Mr Alexander Bastrykin, the Deputy Minister of Foreign Affairs, Mr Gennadiy Gatilov, as well as Ambassador-at-Large Konstantin Dolgov, Representative of the Ministry of Foreign Affairs for Human Rights, Democracy and Rule of Law. The Commissioner also had meetings with members of the Federal Assembly (State Duma and Federation Council).

During his stay in Moscow, the Commissioner met representatives of national human rights structures: Mr Vladimir Lukin, Federal Ombudsman, Mr Pavel Astakhov, Children's Rights Commissioner for the President of the Russian Federation, and Mr Mikhail Fedotov, Chairman of the Presidential Council for Civil Society Institutions and Human Rights. He also met with non-governmental organisations.

The discussions with the different interlocutors were centred around two priority topics: administration of justice - including execution of judgments of the European Court of Human Rights - and the situation of migrants in the Russian Federation. The Commissioner also raised certain issues and concerns relating to some recent legislative developments, including the new legislation on non-commercial organisations, the amendments to the law on meetings and rallies, and legislation aimed at protecting children from information harmful for their health and development (informally known as "law on the Internet"), as well as amendments to the Criminal Code relating to the offences of espionage and high treason (which were still under discussion at the time of

the visit). The situation of human rights defenders and the ongoing investigations in specific cases involving murder of human rights defenders were also discussed.

Mission to Azerbaijan

The Commissioner went to Azerbaijan from 5 to 8 November, where he took part in the Internet Governance Forum (Baku, 6-9 November 2012), as detailed further below.

The Commissioner used the opportunity of this mission to discuss human rights developments in Azerbaijan in general, with a particular focus on freedom of expression and Internet freedom. He 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 human rights non-governmental organisations. Furthermore, together with the OSCE Representative on Freedom of the Media, Ms Dunja Mijatovic, the Commissioner visited four journalists that were detained at Baku detention centre No. 1 in Kurdakhani: Avaz Zeynalli, Hilal Mammadov, Vugar Gonagov and Faramz Novruzoglu.

On 7 November, the Commissioner, together with Dunja Mijatovic and EU Commissioner and European Commission Vice-President Neelie Kroes, hosted 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 cooperation 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; the release from detention of all those journalists, bloggers and citizens reporting, 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.

Visit to the Czech Republic

The Commissioner carried out a visit to the Czech Republic from 12 to 15 November. The aim of the visit was to review certain human rights issues in the Czech Republic, focusing on the protection of the human rights of Roma and of persons with disabilities.

The Commissioner held discussions with the authorities, including 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, as well as with the Ombudsman, Mr Pavel Varvařovský.

During his visit the Commissioner also held meetings with representatives of non-governmental organisations working in the field of human rights protection. He visited an elementary school in Kladno, near Prague, which has a capacity of 309 pupils but currently hosts only 93 Roma schoolchildren, an example of the practical schools in which Roma children are over-represented, for which the Czech state spends more than double the expenditure of mainstream schools. Commissioner Muižnieks regretted that five years after the D.H. judgment by the Strasbourg Court's Grand Chamber, the violations found therein have not been redressed and welcomed the commitment expressed by the Ministry of Education to fully execute the D.H. judgment and provide quality education to Roma.

The Commissioner welcomed the Interior Ministry's on-going efforts to enhance pluralism and participation of members of national minorities, including Roma, in the Czech police forces. These trust-building measures and good practices reinforce social cohesion and harmonious inter-ethnic relations and are needed in a country where incidents of racist violence and intolerance are far from uncommon. The Commissioner was also pleased to note that the Czech Republic will soon accede to the Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalisation of acts of racist and xenophobic nature committed through computer systems.

During his visit Commissioner Muižnieks 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. The judgments delivered by the Strasbourg Court in the cases of *Župa* and *Bureš* in 2011 and 2012 make clear the need to overhaul and transform psychiatric care in the Czech Republic. Promoting de-institutionalisation, fully protecting persons with disabilities from involuntary hospitalisation through effective judicial review, and preventing and eliminating ill-treatment of persons deprived of their liberty are priority tasks.

The Commissioner noted that each year in the Czech Republic around 2 000 persons are stripped of their legal capacity. He welcomed the new legislation that will enter into force in 2014 as it provides for abolition of full deprivation of legal capacity and the review by courts of these cases, which currently number over 26 000. The Commissioner stressed 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, a key human rights treaty that binds the Czech Republic.

The publication of the report on this visit is forthcoming.

Visit to "the former Yugoslav Republic of Macedonia"

The Commissioner carried out a visit "the former Yugoslav Republic of Macedonia" from 26 to 29 November 2012, which focused on certain aspects of transitional justice and social cohesion, as well as the human rights of Roma.

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 that Roma children attend regular schools.

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

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 on this visit is forthcoming.

3. Reports and continuous dialogue

Letter to the Prime Minister and Minister of the Interior of Serbia

On 17 October the Commissioner published a letter to the Prime Minister and the Minister of the Interior of Serbia, Mr Ivica Dačić, following the cancellation of the 2012 Belgrade Pride Parade scheduled for 6 October 2012.

In his letter the Commissioner stressed that the freedoms of expression and peaceful assembly are fundamental in a democratic society and belong to all people. He underlined that a ban of a peaceful demonstration can only be justified if there is a real danger posed to public order which cannot be prevented by reasonable and appropriate measures. He recalled that in 2010 the Serbian authorities had made major efforts to ensure the success of the Belgrade Pride Parade and that, under difficult conditions, the police played a key role in protecting the participants from hooligans and extremists who wanted to prevent the gathering.

The Commissioner requested further information on the reasons that led to the decision to ban the 2012 Pride Parade. He was particularly interested in finding out why the authorities deemed that the police would not be able to ensure the safety of the participants although they did so in 2010. In addition, he asked whether alternatives to the initial plans to organise the event were considered by the authorities in consultation with the organisers.

The letter is available on the Commissioner's website. No reply to the letter has been received to date.

Letter to the Minister of Justice of Albania

On 6 November 2012 the Commissioner published a letter to the Minister of Justice of Albania, Mr Eduard Halimi, following his visit to Albania from 4 to 6 September, during which he participated in the event "*Tribute from the European Youth to the people who saved the honour of humanity during the Holocaust*", organised by the Albanian Chairmanship of the Committee of Ministers.

By his letter the Commissioner called on the Albanian authorities to review and further enhance the national legal aid system in compliance with the Council of Europe standards.

Whilst he noted with satisfaction the legislative measures enacted by the authorities in order to align the Albanian legal aid system with European standards in this field, the Commissioner stressed that certain shortcomings appeared to remain. The Commissioner 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. The Commissioner urged the authorities to provide adequate financial resources for awareness-raising campaigns about availability of free legal aid.

Another issue of concern to the Commissioner is 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 the 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 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 excessively limiting 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.

The letter is available on the Commissioner's website together with the reply from the Minister of Justice.

Letters to Ministers of Ireland

On 6 December the Commissioner published three letters addressed respectively to the Minister for 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 the Minister for Social Protection, Ms Joan Burton. The letters followed up on meetings held during the Commissioner's visit to Ireland in October (see above).

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. He also welcomed the decision to stop detaining children under the age of 16 in the outdated prison facilities of St. Patrick's Institution and called for the transfer of the remaining young offenders to facilities where their educational needs can best be met. The Commissioner furthermore expressed his hope that the remaining obstacles to the ratification by Ireland of the Convention on preventing and combating violence against women and domestic violence will be swiftly removed. Finally, he stressed the need 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 in Ireland. 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, notably as regards 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. The Commissioner also underlined the need to review closely proposed budget cuts for their potential negative

impact on the rights of persons with disabilities, including the 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 the Parliament, although he expressed concern at the lack of a clear timeline for the completion of this process. In view of the fact that five years had 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.

The letters are available on the Commissioner's website together with the Ministers' replies.

Letter to the Prime Minister of Georgia

On 4 December, the Commissioner published a letter addressed to the Georgian Prime Minister, Mr Bidzina Ivanishvili, in which he expressed grave concern following the information about prison abuse revealed in the recent period. The Commissioner noted positively the swift measures taken in response to the scandal, in particular the strong public condemnation by the Georgian authorities of the abuses, as well as their pledge that such human rights violations would no longer be tolerated.

Concerns about ill-treatment and other serious misconduct by public officials in Georgia, as well as the related problem of impunity, had been raised previously on several occasions by local as well as international actors, and have been a recurrent theme of the dialogue between the institution of the Commissioner and the Georgian authorities. However, it would appear that the earlier signals had not been taken sufficiently seriously, as some senior officials in Georgia have since acknowledged.

The Commissioner stressed that effective investigations, capable of leading to the identification and punishment of those responsible for ill-treatment of prisoners or any other persons deprived of their liberty, are essential to give a practical meaning to the prohibition of torture. Besides the direct perpetrators of these abuses, those officials who ordered or were informed of the abuse should be held accountable. Suitable penalties, commensurate to the gravity of the offences, should follow. However, justice must not be selective, and the investigation and judicial processes pertaining to such cases should be compliant with human rights standards. Furthermore, it is crucial to ensure that victims, witnesses and their families are protected, including against retaliation from the officials implicated in the cases concerned. Victims of ill-treatment should receive access to adequate remedies as well as medical and psycho-social assistance.

The phenomenon of ill-treatment in prisons should not be viewed in isolation from the penitentiary system and criminal justice policy in general. Pointing to the high rate of imprisonment in Georgia, the Commissioner recalled that the stringent "zero tolerance" policy of petty crime has led to the imposition of disproportionately lengthy sentences, and reiterated the importance of adopting a more humane and human rights oriented criminal justice policy and reducing resort to detention on remand and imprisonment.

The Commissioner expressed the intention to discuss the foregoing issues when visiting Georgia as part of his on-going dialogue on human rights.

The letter is available on the Commissioner's website together with the reply of the Prime Minister.

4. Themes

Effects of austerity measures on human rights

On 19 November, the Commissioner held a brainstorming with experts on the effects of the economic crisis and austerity measures on the enjoyment of human rights. The meeting brought together Ms Lára Björnsdóttir, Chairperson of the Icelandic Well-being Watch; Dr Rory O'Connell, Human Rights Centre and Senior Lecturer at the Queen's University School of Law; Mr Ignacio Saiz, Executive Director, Center for Economic and Social Rights and Mr Duncan Wilson from the Scottish Human Rights Commission.

The discussions focused on: non-discrimination and vulnerable groups; impact on the human rights protection system and role of national human rights structures (NHRs); budgetary screening and impact assessment as well as next steps to be taken by the Commissioner.

The crisis has a wide impact, affecting most people and categories of human rights. Non-discrimination principles should be observed in the implementation of austerity measures. Particular attention has to be given to their impact on vulnerable groups of people, e.g. children, young persons, women, Roma, people with disabilities, older persons and migrants. Both quantitative and qualitative data are needed to monitor the real effects of the crisis on different population groups.

The fact that austerity measures usually result in considerably diminished resources for the public sector and services in a larger sense (i.e. in terms of law enforcement, the judiciary, legal aid, positive measures for the promotion of equality, NHRs) signifies a wide-ranging impact on human rights, i.e. beyond economic, social and cultural rights. Access to justice has emerged as a critical concern. NHRs should be given the opportunity and resources to play a role in mitigating the effects of the crisis and contributing to the development of government policies for dealing with the crisis that are human rights compliant.

The process of structuring and implementing austerity budgets should be participatory, transparent and accountable, and in line with a state's human rights commitments. The impact assessment of budgets should identify the effects on vulnerable groups and on human rights more broadly.

The experts considered that the Commissioner should provide guidance to member states on human rights compliant responses to the crisis. In particular, the obligations for implementing economic and social rights require further clarification. A systematic approach for implementing human rights at the national level would be the preferred option. The human rights implications of the crisis can be addressed by the Commissioner in several fields of activity: country monitoring, thematic publications, media work and contacts with international organisations.

Violence against women

On 9 October, the Commissioner published a Human Rights Comment entitled “*States should do more to protect women from violence*”. The vast majority of Council of Europe member states have introduced national action plans to combat violence against women. However, with one-fifth to one-quarter of all women in the Council of Europe region estimated to have experienced physical violence at least once during their adult lives, and more than one-tenth having suffered sexual violence involving the use of force, the Commissioner notes that more needs to be done. In particular, he highlights the importance of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) as the first internationally legal binding instrument in the field and calls upon the member states to ratify and implement this practical tool as a matter of priority.

Human Rights of Immigrants and Refugees

On 17 October, the Commissioner addressed the Annual General Conference of the European Council on Refugees and Exiles (ECRE), held in Dublin. In his speech entitled “*Asylum and Human Rights: trends and priorities for action*”, the Commissioner outlined his priorities in the field of refugee protection in light of the worrying trends that currently mark the treatment of asylum seekers, refugees and other migrants in European countries. The Commissioner’s priorities are: to enlarge his area of action in migration; the abolition of migrant detention and the promotion of alternatives; and to help European states in combating racism, xenophobia and intolerance.

The Commissioner stressed the need to put high on European states’ agendas the human rights principles and standards by which they are bound and to abolish laws and practices that challenge long-established principles concerning refugee protection.

The Commissioner's speech is available online.

Human Rights of Roma

On 8 November, the Commissioner 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. He highlighted the fact that segregation has a high cost for the member states and that it is one of the worst forms of discrimination against Roma, which perpetuates their marginalisation. He called on the states concerned to prohibit school segregation, undertake ambitious desegregation programmes and promote access of all children to inclusive forms of education.

On 22 November, the Commissioner published another Human Rights Comment entitled “*Stop chasing Roma. Start including them*”, in which he highlighted the growing number of evictions of Roma throughout Europe, without adequate and sustainable alternatives being provided to them. These practices contravene international human rights standards. He underlined that states should rather focus on combating racism and discrimination against the Roma and implement integration strategies, which respond to the housing needs of Roma.

On 30 November, the Commissioner had an exchange of views with the Ad Hoc Committee of Experts on Roma Issues (CAHROM), on the occasion of the Committee's fourth meeting. He shared with the Committee members his main concerns concerning human rights of the Roma and stressed the issues for priority action, e.g. the fight against anti-Roma prejudices and racism, school segregation affecting many Roma pupils and human rights violations against Roma who migrate in Europe.

Internet, social media and human rights

On 7 November, 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 the UNESCO in co-operation with the governments of Austria, the Netherlands and Sweden, at the Internet Governance Forum (Baku 6-9 November 2012). In his speech, the Commissioner highlighted that when addressing issues relating to the safety and protection of online media actors, consideration should be given not only to journalists in the formal sense, but also to those who act in the public interest, for instance by stimulating debate or exposing maladministration. The Commissioner also underlined that the safety of online media actors is intimately linked with 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. The speech is available on the Commissioner's website,

On 23 November, the Commissioner' Office organised a consultation meeting on Internet, social media and human rights, aimed at identifying issues and activities in this field on which further work may be needed. The meeting brought together 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 discussed with the Commissioner the issues of access to the Internet and access to content without undue restrictions. In the context of the current reliance on private Internet companies' self-regulation, they insisted in particular on the need for a principles-based regulation and legal certainty. With regard to matters of privacy and data protection, the experts discussed the problems of surveillance of Internet communication data, profiling, blocking and filtering. Concerning the protection and empowerment of children, particular emphasis was put on the need to raise children's awareness about the consequences of sharing information regarding themselves on the Internet.

Human rights of LGBTI persons

On 17 October, the Commissioner published a web-item entitled "*How long must LGBTI persons still wait to live free from prejudice?*", on the eve of his participation in the ILGA-Europe's Annual Conference "Advancing LGBTI equality in challenging economic times" in Dublin. In this web-item the Commissioner stressed that human rights are universal and must be applied to everyone. He emphasised that politicians at national and local levels should do more to combat prejudices against LGBTI persons and educate the public with factual information about their situation.

The Commissioner underlined that a serious obstacle to the full enjoyment of human rights by LGBTI persons is the denial of their right to freedoms of assembly, association and expression. In this context he referred to the aforementioned letter to the Prime Minister and the Minister of the Interior of Serbia, Mr Ivica Dačić concerning the cancelation in October 2012 of the Belgrade Pride Parade. The Commissioner also expressed his concern at the adoption by some European countries of legislation criminalising the “promotion of homosexuality”, which potentially prohibits a wide range of activities, such as articles, speeches and events disseminating information on issues related to LGBTI persons and their human rights.

On 18 October, the Commissioner made a keynote address at the annual conference of the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex 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 also 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 was essential that their mandates covered discrimination on grounds of sexual orientation and gender identity among other grounds. The crisis had a particularly adverse effect on trans persons, whose already difficult access to the labour market and health services was exacerbated. The Commissioner also underlined that more attention should be paid to the situation of intersex persons.

From 9 to 10 December, the Office participated in the Second Intersex Forum, organised by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) in Stockholm. The Forum discussed the human rights challenges faced by intersex persons and especially their right to physical and psychological integrity with respect to medical treatment. An exchange of views was held on the possibilities for the Commissioner to promote the human rights of intersex persons in his thematic and country work. The event brought together 37 activists representing 33 intersex organisations and supportive institutions.

National Minorities

On 15 October, the Commissioner attended the launch of the conference on the third Thematic Commentary of the Advisory Committee on the Framework Convention for the Protection of National Minorities on language rights of persons belonging to national minorities. He took part in a discussion panel on language rights and full and effective equality, during which he drew specific attention to discrimination based on language and its impact on the particular problems of segregation of Roma children in education and access to nationality for members of national minorities.

On 7 November, the Director of the Office participated in the launching conference of the OSCE High Commissioner on National Minorities (HCNM) Guidelines on Integration of Diverse Societies. The event was organised by the HCNM and the Slovenian Ministry of Foreign Affairs and took place in Ljubljana. The panels of the conference discussed integration from various angles and the Director was invited to contribute as a speaker on the panel on Integration and Human Rights. IN her intervention, she addressed how the integration of societies is linked to the protection of human rights and the dignity of

the person. She also highlighted the key aspects of human rights that are most relevant when formulating integration policies.

Conference on post-socialist justice

On 10 to 11 October, a representative of the Commissioner's Office took part in a conference entitled "Post-socialist justice after two decades" co-organised by the Soros Foundation Latvia and the Riga Graduate School of Law. The aim of the conference was to examine legal aspects of the application of human rights in post-socialist countries twenty years after the breakup of the Soviet Union and the end of socialist regimes in Central and Eastern Europe. An objective was to identify characteristic problems in upholding the rule of law and safeguarding human rights in post-socialist countries, as well as lessons that can be learned from the post-socialist transition to democracy. The representative of the Commissioner's Office gave an overview of the work of the Office on transitional and post-conflict justice issues including as concerns institutional reforms and the administration of justice.

Statelessness

From 19 to 21 November, a representative of the Commissioner's Office took part in the launch conference of the European Network on Statelessness (ENS), also attended by the UNHCR. The ENS gathers a number of NGOs and academics from Council of Europe member states and aims at raising awareness of statelessness-related problems in Europe, as well as providing information, expertise and training. The issue of statelessness of children is high on the agenda of the Commissioner for Human Rights and this conference offered a good opportunity to establish further contacts with actors involved in field work with stateless persons.

Human rights of persons with disabilities

On 19-21 November, the Commissioner's Office participated in a Seminar on Human Rights and Disability, organised by the Turkish Ministry of Family and Social Policies in Mardin, Turkey. The beneficiaries of this seminar were 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). At the invitation of the organisers, 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 countries in order to implement Article 12 of the UN Convention on the Rights of Persons with Disabilities, drawing on the Commissioner's issue paper on this subject published in February 2012.

Human rights education

On 30 November, the Commissioner addressed the participants of the 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*" in Strasbourg. Welcoming the renewed focus on human rights education thanks to the Andorran chairmanship, the Commissioner shared his early personal experience in the field of human rights education and democratic citizenship. He

underlined the importance of getting to know one's rights and of using this knowledge not only for one's own benefit but for the benefit of others, in particular vulnerable groups of persons. To be able to develop the necessary "human rights attitude" and sensibility to do this, the Commissioner considers that visits to places of practical human rights implication such as Roma camps, detention centres for asylum-seekers and prisons are fundamentally important educational experiences. Furthermore, the Commissioner stressed that new technologies can be an important ally in education for democratic citizenship and human rights, and highlighted the Council of Europe's project "Young people combating hate speech online" as an example of equipping young people to combat racism on the world-wide web. The Commissioner encouraged further creative human rights work through social media and the internet. The speech ("*Human Rights Education Means Empowering Yourself and Others*") is available on the Commissioner's website.

5. Other Meetings

FRA meeting on cooperation with national human rights structures

On 15 October, the Office participated in a meeting, convened by the EU Agency for Fundamental Rights (FRA) in Vienna, to discuss cooperation between that agency, the Council of Europe and national human rights structures (NHRs). The European Group of National Human Rights Institutions, the European Network of Equality Bodies (Equinet) and the Office of the EU Ombudsman were represented at the meeting. There was general agreement that multilateral cooperation between NHRs and international organisations should be enhanced to discuss shared human rights concerns and to assess the institutional landscape of NHRs. It is planned that the FRA and the Council of Europe will organise a meeting with European NHRs in late 2013.

23rd Session of the Congress

The Commissioner gave a speech at the 23rd Session of the Congress of Local and Regional Authorities of the Council of Europe on 16 October focussing on the role that local authorities can play to make the difference for human rights. He highlighted the intersections of the work of his Office and of the Congress in promoting human rights, and identified areas where more awareness raising activities is needed, such as Roma, migrants and human rights budgeting and local human rights action plans.

Meeting with the Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship

On 20 November in Strasbourg, the Commissioner met with Ms Viviane Reding, the Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship. The discussions focused on the situation of Roma and access to justice. Information was exchanged on the findings of the Commissioner's recent country visits and the EU Commission's work for setting benchmarks for the functioning of the judicial system. Both officials highlighted the complementary mandates and standards of the European Union and the Council of Europe in the fields concerned.

Seminar on the Commissioner's Recommendations to Finland

On 30 November, the Office participated in a seminar in Helsinki organised by the Finnish Human Rights Centre and the Ministry for Foreign Affairs. The purpose of the seminar was to discuss the findings and recommendations of the Commissioner's report following his visit to Finland in June 2012 (cf. CommDH(2012)27 of 25 September 2012), with particular attention being given to the implementation of the Finnish National Action Plan on Fundamental and Human Rights, the reform of equal treatment legislation and the ratification of the ILO Convention No. 169 related to the rights of indigenous peoples. Mr Erkki Tuomioja, the Minister for Foreign Affairs, addressed the seminar, which was attended by 170 people representing public authorities, national human rights structures, civil society and the ILO.

EU Fundamental Rights Conference and EU NGO Forum on Human Rights

On 7 December, the Commissioner delivered keynote addresses at the EU Fundamental Rights Conference and the EU NGO Forum on Human Rights in Brussels. The Fundamental Rights Conference, organised by the FRA, the European Parliament and the Cyprus Presidency of the Council of the EU, focused on challenges and opportunities to access to justice in austerity. In his speech, Mr Muižnieks stressed that many vulnerable groups including migrants, children and persons with disabilities faced particular obstacles in receiving access to justice in the present crisis. Legal aid schemes, public interest litigation and low-threshold complaints bodies had to be developed to respond to the needs of these groups. The Commissioner also highlighted the difficulties faced 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 resolution of the systemic dysfunctions affecting the judiciaries was a priority for the Commissioner's work.

The EU NGO Forum on Human Rights focused on the promotion of universality and the cooperation of regional human rights mechanisms with civil society. The Commissioner highlighted the role of the Council of Europe in developing a comprehensive European human rights system, and stressed the central role of NGOs and human rights defenders in cooperating with international organisations with a view to monitoring the compliance of member states with their human rights obligations. It was essential to create a good working environment for civil society organisations, which should not be stigmatised for their criticism of the human rights situation prevailing in a particular country or for their cooperation with European and international organisations.

CoE-OHCHR Coordination meeting

On 11 December, the Office participated in the 6th Coordination meeting between the Council of Europe and the Office of the High Commissioner for Human Rights in Geneva. Information was exchanged on the following themes: human rights of persons with disabilities; action against trafficking in human beings; combating racism; national and ethnic minorities; and the protection of human rights defenders. Opportunities for further cooperation at the level of field offices were discussed. The coordination meeting was followed by an international workshop on cooperation between the UN human rights system and regional human rights mechanisms world-wide.

6. Human rights defenders

Human Rights Defenders roundtable on migration

On 5 October 2012, 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 the society are not given a 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.

A report on the Round-Table is forthcoming.

Human Rights Comment: Restrictions on defenders of migrants' rights should stop

On 19 December, the Commissioner published a Human Rights Comment entitled "Restrictions on defenders of migrants' rights should stop", in which he raised concerns about the defamation, threats, verbal and physical attacks, administrative sanctions and judicial harassment used to deter defenders from working with migrants and from combating the rising xenophobia and racism in Europe.

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 are able to provide assistance to those who need it. In this respect, 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 cooperate 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.

7. Communication and Information work

The main coverage during the last quarter concerned the defamation law in Italy, the implementation by the UK of the judgment of the European Court of Human Rights on prisoners' voting rights, and the meetings held in Russia.

Concerns that imprisonment was still included as a penalty for libel in the draft law discussed in the Italian Parliament in November featured prominently in the news coverage (*Il Fatto Quotidiano, L'Unita, Corriere della Sera, Tagesanzeiger, Hürriyet, Il Sole 24 Ore, Euronews, La Stampa, TG1 RAI, Radio Vaticana, Il Giornale, La Repubblica, TGCOM, ANSA, Avvenire, TM News, Reset, Il Resto del Carlino- La Nazione, Basler Zeitung*).

The interview with BBC on prisoners' voting rights in the UK was widely covered by British media (*BBC Radio 4, BBC Radio 5 live, BBC News, PA, Channel 4, The Guardian, The Telegraph, France 24, AFP, Mirror*). The Commissioner's interview stressed the need to implement the Court judgment quickly and prevent new, similar violations in the future.

The visit to Russia generated wide media coverage, with the majority of reports focusing on the case of Leonid Razvozhayev (*Nezavisimaya Gazeta, Vedomosti, RIA Novosti, Izvestia, Ukrinform, Radio Ekho Moskv, Rossiyskaya Gazeta, BBC Russian Service, ITAR-TASS, RT, News Georgia, Interfax*).

Parlamentni Listy, Radio Prague, Romea and ČTK published articles concerning the visit of the Commissioner to the Czech Republic and his first observations on the situation of Roma.

The visit to "the former Yugoslav Republic of Macedonia" received coverage in *MTV1, Utrinski vesnik, Dnevnik, Zhurnal, MIA*, as well as *Deutsche Welle*.

Prime-News, Trend, 1 TV, Interpressnews, The Voice of Russia, Interfax, Itar-Tass, Geotimes reported about the publication of the Commissioner's letter to the Prime Minister of Georgia following the prison abuse scandal.

The Irish Times, Reuters, PinkNews, Interfax, and Ukrinform published articles mentioning the Commissioner's concerns about the situation of LGBT people, while *Kathimerini* and *New Europe* covered the publication of his human rights comment on violence against women.

Copenhagen Post and *Politiken* referred to an interview on the returns of unaccompanied minors from Denmark to a care centre in Afghanistan, while *France 3* broadcast a documentary on child labour, also featuring an interview on this issue.

Several media mentioned the postponement of the visit to Greece: *IBTimes*, *Neue Zürcher Zeitung*, *Inews*, *Skai*, *Cyprus news*.

The Irish TV *RTE* covered the publication of the letters to the Ministers for Justice and Social Protection and to the Minister of State (with special responsibility for Disability, Equality, Mental Health and Older People) of Ireland, as well as the interview on the need to implement the judgments of the Irish Supreme Court and of the European Court of Human Rights concerning the lack of a legal framework allowing for abortion in some circumstances.

A long profile interview was published by the Economist Group's *European Voice*.

Further coverage concerned Roma evictions in Italy (*Il Corriere della Sera*), the situation of the Russian minority in Finland (*ITAR-TASS*), the economic crisis (*The Financial Times*), general human rights issues (*Radio Latvia*), the situation in Latvia (*NewsBalt*), police behavior in Greece (*TVXS*), the meeting with the Foreign Minister of Cyprus (*iKypro*), the pardon of 5 police officers condemned for torture in Spain (*EFE*), the election of the Latvian person of the year (*Delfi*) the fight against poverty in Latvia (*Baltic Daily*), and the situation of media freedom in Azerbaijan (*Transitions online*, *EurasiaNet's Weekly Digest*).

Social networks have also been used increasingly, in particular Twitter. As of December 13, the twitter account had 2873 followers.

The following human rights comments have been published:

States should do more to protect women from violence (9 October 2012)

States must take resolute measures to end school segregation of Roma (8 November 2012)

Stop chasing Roma. Start including them (22 November 2012)

Restrictions on defenders of migrants' rights should stop (19 December 2012).

8. Next three months

January

21-24/01	PACE Session
25/01	Netherlands Helsinki Committee Conference on the Future of Human Rights Protection in Europe (The Hague)
28/01-1/02	Visit to Greece

February

- 05/02 Exchange of views with CM Deputies
- 14-15/02 OSCE Internet conference "Internet 2013: Shaping policies to advance media freedom" (Vienna)
- 19-20/02 Exchange of views with Committee for Human Rights and Humanitarian Aid of the German Bundestag and other meetings (Berlin)
- 21/02 Exchange of views with European Parliament Subcommittee on Human Rights (Brussels)
- 22/02 Exchange of views with the COSCE; Centre for European Policy Studies; Migration Policy Group closing event of project on citizenship (Brussels)

March

- 04-07/03 Visit to Moldova
- 25-27/03 Visit to Estonia

9. Observations and reflections

During this reporting period, the Office advanced its work on two broad thematic issues I have identified as priorities: 1) the impact of austerity measures on human rights and 2) the internet, social media and human rights. Our thinking about how best to address these issues was enriched by two brainstorming seminars we organised with prominent outside experts.

Regarding the economic crisis and related austerity measures, a full range of human rights concerns have been identified. The economic crisis poses a serious challenge to the European *acquis* in the area of social and economic rights. As overall levels of social protection have eroded in many countries, vulnerable groups such as the elderly with low pensions, children, persons with disabilities, Roma and migrants, have often suffered disproportionately. However, not only social and economic rights have come under threat, but also civil and political rights. Austerity has often resulted in decreased access to justice, cuts in prison budgets have led to worsening conditions, and tensions between police and various social groups have sometimes spilled over into violence. In some, but not all countries facing austerity, the economic crisis has also fed into racist discourse and violence aimed at migrants and minorities.

Interestingly, to date only a few cases before the European Court of Human Rights and the European Social Charter reflect human rights challenges to recent policy measures taken to address the economic crisis. Clearly, there is a need for some human rights guidance. In the forthcoming months, my Office intends to publish such guidance for

states on human rights compliant responses to austerity, stressing the important advisory and monitoring role of national human rights structures with regard to the situation of vulnerable groups; the need to strengthen social protection floors; and how best to bring to life the procedural principles of participation, transparency and accountability in devising and implementing austerity measures. Our thinking in this issue area should also be furthered by a planned country visit to Greece.

Regarding the internet, social media and human rights, the Office has identified several human rights issues of priority concern to be monitored in country work. The first involves freedom of expression, particularly for those working in the public interest. This implies paying special attention to the safety and working conditions of journalists, bloggers and reporting citizens, as well as technical access to the internet and restrictions on content imposed by the state or service and content providers. The second issue area involves the right to private life, in particular the human rights aspects of surveillance and control activities exercised by the authorities. Other issues, such as protection and empowerment of children, will also be addressed as appropriate. Our thinking in this area was furthered by my participation in the Internet Governance Forum in Baku, Azerbaijan, and meetings with journalists and internet activists in and around the Forum. Next steps include organising specific training for members of my Office on this issue area, which is new territory for many, as well as gathering and analysing country specific materials to lay the ground for future country monitoring work.

I am convinced that the internet will be a major focus of human rights debate in the coming years for a number of reasons. The internet has increasingly become an indispensable public space without which it is impossible to envisage the development of freedom of expression, freedom of assembly and freedom of association. We are also witnessing the ongoing displacement and/or supplementing of traditional print and broadcast media by new on line media, such that any discussion of media freedom must take into account the internet. The younger generation has been particularly active in consuming these new media and communicating via social media, meaning that efforts to protect and empower children and young people must increasingly be digitally oriented. Clearly, issues pertaining to data protection and privacy have also assumed new urgency in the digital age, as governments and companies are gathering huge amounts of information about us all.