

TO THE MEMBERS OF THE COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS

Secretariat of the Parliamentary Assembly

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22 September 2005

The Committee on Legal Affairs and Human Rights, meeting in Paris on 16 September 2005 with first Mr Holovaty (Ukraine, ALDE) and then Mr Jaskiernia (Poland, SOC), 1st Vice-Chairperson, in the Chair, as regards:

- **Sub-Committee on Human Rights** (Chairperson: Mr Pourgourides, Cyprus, EPP/CD):
 - heard a report by the Chairperson of the Sub-Committee on the meeting held in Paris on 15 September 2005;
 - considered *in camera* and approved the recommendation of the Sub-Committee concerning the candidates to the post of Council of Europe Commissioner for Human Rights and decided to transmit it to the Bureau of the Assembly;
 - endorsed the proposals of the Sub-Committee concerning the lists of candidates for the European Committee for the Prevention of Torture (CPT) submitted by the parliamentary delegations of Croatia, Georgia, Germany, Ireland, Liechtenstein, Moldova, the Russian Federation, Slovakia and Sweden;
- **Recent human rights violations in Belarus**: approved a public statement prepared by the Sub-Committee on Human Rights;
- **Serious human rights violations in Libya – inhuman treatment of Bulgarian medical staff** (Rapporteur: Mr Lloyd, United Kingdom, SOC): heard a statement by the Rapporteur on his visit to Libya on 22-24 August 2005, approved a report and unanimously adopted a draft recommendation with a view to submitting them to the Assembly during the October 2005 part-session;
- **Enforced disappearances** (Rapporteur: Mr Pourgourides, Cyprus, EPP/CD): approved and declassified the minutes of the hearing held in Limassol on 24 May 2005, approved a report, unanimously adopted a draft resolution and a draft recommendation with a view to submitting them to the Assembly during the October 2005 part-session;
- **Improving CPT selection procedures** (Rapporteur Mr Cebeci, Turkey, EPP/CD): considered an introductory memorandum by the Rapporteur and instructed its Chairperson to request national delegations to provide information on current internal procedures for the selection of CPT candidates;

- **Appointment of rapporteurs:**
 - Towards decriminalisation of defamation: Mr Holovaty (Ukraine, ALDE)
 - Preserving and strengthening the leading role of the Council of Europe, also in relation to the European Union, in setting basic legal standards within Europe: Mr Jurgens (Netherlands, SOC)
 - Implementation of the Third Summit Declaration and Action Plan: Mrs Bemelmans-Vidéc (Netherlands, EPP/CD)
 - Legal recognition of same-sex partnerships in Europe: Mr Gross (Switzerland, SOC)
 - Request for an opinion from the Committee of Ministers on the draft protocol on the avoidance of statelessness in relation to state succession: Mr Bartumeu Cassany (Andorra, SOC)
 - Situation in Belarus (for opinion): Mr Lloyd (United Kingdom, SOC);

- **Motion for a resolution on the abuse of the criminal justice system in Belarus (Doc. 10619):** in view of recent abuses of the criminal justice system in Belarus instructed its Chairperson to send a letter to the Bureau requesting that Reference No 3119 be modified in order to refer the motion to the Committee for report;

- **Motion for a resolution on the investigation of crimes allegedly committed by high officials during the Kuchma rule in Ukraine:** following the Bureau's decision to consult the Committee on the possible follow-up to be given to the motion, decided to propose to the Bureau that it be referred to the Committee for report on the understanding that this report will include the Gongadze case;

- **Appointment of representatives of the Committee:**
 - Conference on combating economic crime (Lisbon, 28-29 September 2005): Mr Bartumeu Cassany (Andorra, SOC)
 - Second International Conference on the Legislative Aspects of the Fight Against Terrorism (Moscow, 18-19 October 2005): Mr Hunault (France, EDG)
 - Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) (Strasbourg, 26-28 October 2005): Mr Cilevičs (Latvia, SOC);

- **Ad hoc committee of the Bureau on dialogue with the Parliament of Liechtenstein:** appointed Mr Pourgourides (Cyprus, EPP/CD) as the Committee's representative;

- **Language problems in access to public health care in the Brussels-Capital region in Belgium (Rapporteur for opinion: M. Cilevičs, Latvia, SOC):** considered a report tabled by the Social, Health and Family Affairs Committee, approved an opinion and five amendments to the draft resolution and instructed its Rapporteur to table them on behalf of the Committee;

- **Sub-Committee on Crime Problems and the Fight against Terrorism (Chairperson: Mr Bartumeu Cassany, Andorra, SOC):** heard a report by the Chairperson of the Sub-Committee on the meeting held in Strasbourg on 23 June 2005;

- **The situation of the inhabitants of the Sovereign British Areas of Akrotiri and Dhekelia (Rapporteur: Mr Gross, Switzerland, SOC):** considered an introductory memorandum by the Rapporteur and authorised him to undertake fact-finding visits to Cyprus and the United Kingdom;

- **European prisons charter (Rapporteur: Mr Hunault, France, EDG):** considered a revised introductory memorandum by the Rapporteur;

- **Ratification of the Framework Convention for the Protection of National Minorities by the Council of Europe member states (Rapporteur: Mr Cilevičs, Latvia, SOC):**
 - heard a statement by the Rapporteur;
 - reminded the delegations of Georgia, Iceland and Turkey, which had not yet replied to the questionnaire, that their replies should be submitted as soon as possible;
 - decided to hold a hearing by the Committee before the end of 2005, left it to its Chairperson to decide the date and place of the hearing;

- **Sub-Committee on Rights of Minorities** (Chairperson: Mr Cilevičs, Latvia, SOC):
 - heard a report by the Chairperson of the Sub-Committee on the meeting held in Strasbourg on 23 June 2005;
 - agreed to propose to the Assembly's Sub-Committee on the Media and the OSCE High Commissioner on National Minorities to hold a joint hearing on the guidelines on the use of minority languages in the broadcast media at the beginning of 2006 in The Hague;

- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of the following replies and decided that in future rapporteurs should submit to the Committee written comments on the replies received from the Committee of Ministers:
 - Recommendation 1670 (2004) on internet and the law
 - Recommendation 1649 (2004) on the candidates for the European Court of Human Rights: requested Mr Jurgens to prepare a written opinion on the reply
 - Recommendation 1671 (2004) on the ratification of protocols and withdrawals of reservations and derogations made in respect of the European Convention on Human Rights
 - Recommendation 1699 (2004) on the lawfulness of detentions by the United States in Guantánamo Bay: proposed that Mr Lloyd take the reply into account in the preparation of his report on the USA and international law
 - Recommendation 1697 (2004) on the European Federation of Research and Information Centres of Sectarism (FECRIS): request for consultative status with the Council of Europe
 - Recommendation 1684 (2004) on the implementation of decisions of the European Court of Human Rights: instructed its Chairperson to write a letter to the chairperson of the Italian delegation requesting to provide an answer to the Committee of Ministers reply;

- **Participation of members in conferences, meetings, seminars, etc:** heard reports by the following representatives:
 - Third High-level multilateral meeting of Ministries of the Interior – Fight against terrorism and organised crime to improve security in Europe (Warsaw, 17-18 March 2005): Mr Hunault (France, EDG)
 - CEPEJ Conference on "Evaluating European judicial systems" (The Hague, 2-3 May 2005): Mr Jurgens (Netherlands, SOC)

and took note of written reports by the following representatives:

 - Seminar on "Protecting human rights while fighting terrorism" (Strasbourg, 13-14 June 2005): Mr Grebennikov (Russia, EDG)
 - Steering Committee on the Media and New Communication Services (Strasbourg, 21-24 June 2005): Mr Jaskiernia (Poland, SOC)
 - European Commission against Racism and Intolerance (ECRI) (Strasbourg, 21-24 June 2005): Mr Cilevičs (Latvia, SOC);

- **Membership of sub-committees:**
 - *Sub-Committee on Human Rights:* appointed Mr Vareikis (Lithuania, SOC) as a titular member;
 - *Sub-Committee on Crime Problems and the Fight against Terrorism:* appointed as titular members Mrs Becerril (Spain, EPP/CD), Lord McIntosh of Haringey (United Kingdom, SOC) (alternate: Mr Marshall (United Kingdom, SOC)), Mr Malins (United Kingdom, EDG) (alternate: Mr Harvey (United Kingdom, ALDE)) and Mr Mercan (Turkey, EPP/CD);

- **Next meetings:**
 - Strasbourg, during the Assembly's 4th part-session (3-7 October 2005)
 - Paris, Monday 7 November 2005 at 9 h (Council of Europe Office)
 - Paris, Tuesday 13 December 2005 at 9 h (Council of Europe Office).

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Paris on 15 September 2005 with Mr Pourgourides (Cyprus, EPP/CD) in the Chair, as regards:

- ***Election of the Vice-Chairperson of the Sub-Committee:*** by acclamation, elected Mr Gardetto (Monaco, EPP/CD) as Vice-Chairperson;
- ***Election of the Council of Europe Commissioner for Human Rights by the Parliamentary Assembly:*** held interviews *in camera* with the candidates to the post of Commissioner for Human Rights and adopted its recommendation concerning the candidates;
- ***Recent human rights violations in Belarus:*** approved a draft public statement condemning recent arrests of political activists, to be submitted for approval to the plenary Committee;
- ***European Committee for the Prevention of Torture (CPT):***
 - considered and agreed on recommendations for candidatures to the CPT with respect to Croatia, Germany, Liechtenstein, Moldova, the Russian Federation, Slovakia and Sweden;
 - decided, in line with Resolution 1248 (2001), to recommend that the Bureau ask the parliamentary delegation of Ireland to submit a new list;
 - with respect to Georgia, postponed consideration of the list until its next meeting, at which it would invite the Georgian parliamentary delegation chair to be present;
 - with regard to the list presented by the Netherlands, confirmed that, at its meeting on 21 June 2005, it had made its selection following the proper procedure;
- ***Preparation of the Sub-Committee meeting in Geneva on 13 October 2005:*** approved a preliminary draft programme for the meeting;
- ***Next meetings:***
 - Strasbourg, during the Assembly's 4th part-session (3-7 October 2005)
 - Geneva (Switzerland), Thursday 13 October 2005.

Andrew Drzemczewski, Günter Schirmer, Valérie Clamer, Dmytro Kotliar

cc: Secretary General and secretariat of the Assembly
Secretaries of National Delegations to the Assembly
Secretaries of Political Groups of the Assembly

Directors General
Director of the Private Office of the Secretary General of the Council of Europe
Secretary to the Committee of Ministers
Director of Communication and Research

Permanent Representations to the Council of Europe