

11 November 2005
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To the Members of the Committee on Legal Affairs and Human Rights

Synopsis of the meeting held in Paris on 7 November 2005

The Committee on Legal Affairs and Human Rights, meeting in Paris on 7 November 2005 with first Mr Jurgens (Netherlands, SOC), 2nd Vice-Chairperson, then Mr Bindig (Germany, SOC), then its newly elected Chairperson, Mr Marty (Switzerland, ALDE), in the Chair, as regards

- **Concept of nation** (*Rapporteur: Mr Frunda, Romania, EPP/CD*): approved a report and adopted a draft recommendation, with a view to their presentation at the Assembly's January 2006 part-session;
- **Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concerns** (*Rapporteur: Mr Bindig, Germany, SOC*): considered an introductory memorandum and instructed its Rapporteur to prepare a preliminary draft report, for adoption at its meeting on 13 December 2005;
- **Election of the Chairperson of the Committee**: elected Mr Marty (Switzerland, ALDE) Chairperson by acclamation;
- **Draft protocol on the avoidance of statelessness in relation to state succession** (*Rapporteur: Mr Bartumeu Cassany, Andorra, SOC*): considered an introductory memorandum and instructed its Rapporteur to prepare a draft opinion for adoption at its meeting on 13 December 2005;
- **Implementation of judgments of the European Court of Human Rights** (*Rapporteur: Mr Jurgens, Netherlands, SOC*): heard a statement by the Rapporteur and authorised him to make fact-finding visits to Italy, Russia, Turkey, Ukraine and the United Kingdom;
- **Work programme of the Committee**: considered its priorities for 2006 and approved a memorandum on this subject;
- **Appointment of representatives of the Committee**:
 - Steering Committee on the media and new communication services (CDMC) (Strasbourg, 29 November – 2 December 2005): Mr Tkáč (Slovakia, SOC)
 - International Leadership Conference on Human Rights and the Death Penalty (Tokyo, 6-7 December 2005): Mr Pourgourides (Cyprus, EPP/CD)
 - Council for Democratic Elections and European Commission for Democracy through Law ("Venice Commission") (Venice, 15-17 December 2005): left it to its Chairperson to appoint a representative;

- **Appointment of rapporteurs:**
 - *Towards decriminalisation of defamation:* Mr Bartumeu Cassany (Andorra, SOC)
 - *Principle of the rule of law:* Mr Jurgens (Netherlands, SOC)
 - *Legal Compliance by observer countries with the values of the Council of Europe* (for opinion): Mr Cebeci (Turkey, EPP/CD);
- **Sub-Committee on Human Rights** (Chairperson: Mr Pourgourides, Cyprus, EPP/CD):
 - heard a report by the Vice-Chairperson of the Sub-Committee, Mr Gardetto, on the meeting held in Geneva on 13 October 2005
 - endorsed the proposals of the Sub-Committee concerning the list of candidates for the European Committee for the Prevention of Torture (CPT) submitted by the parliamentary delegation of Norway;
- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of the following replies:
 - Recommendation 1649 (2004) on candidates for the European Court of Human Rights
 - Recommendation 1684 (2004) on the implementation of decisions of the European Court of Human Rights, and took note of the written comments submitted by Mr Jurgens, Rapporteur
 - Recommendation 1711 (2005) on the follow-up to Resolution 1359 (2004) on political prisoners in Azerbaijan, and took note of the written comments submitted by Mr Bruce, Rapporteur
 - Recommendation 1691 (2005) on the protection of human rights in Kosovo
 - Recommendation 1696 (2005) on the plans to set up a fundamental rights agency of the European Union
- **Participation of members in conferences, meetings, seminars, etc.:** took note of written reports by the following representatives:
 - Seminar to mark the entry into force of Protocol No 12 to the European Convention on Human Rights (Strasbourg, 11 October 2005): Mr Cilevics (Latvia, SOC)
 - Council for Democratic Elections and European Commission for Democracy through Law ("Venice Commission") (Venice, 20-22 October 2005): Mr Jurgens (Netherlands, SOC)
- **Composition of the Sub-Committee on Rights of Minorities:** appointed Mr Rustamyan (Armenia, SOC) as a titular member;
- **President van der Linden's visit to London (9-11 October 2005) :** took note of the letter sent by the President to the Committee informing it of his discussions during the visit;
- **Alleged secret detention centres in Council of Europe member States:**
 - considered the possibility of asking the Standing Committee for an urgent procedure debate
 - appointed its Chairperson, Mr Marty, as Rapporteur and instructed him to collect pertinent information and to present his conclusions at the next meeting
 - authorised him, if he deemed it necessary, to make fact-finding visits to Poland and Romania in this context
 - left it to him, if he deemed it necessary, to address a request for an urgent procedure debate to the President of the Assembly on behalf of the Committee
 - invited the Secretary General of the Council of Europe to ask all member States for information on this subject (Article 52 of the European Convention on Human Rights);
- **Candidatures to the CPT:** instructed its Chairperson to write to the Chairperson of the Dutch Parliamentary Delegation assuring him that the recommendation made by the Sub-Committee on Human Rights concerning the candidatures on behalf of the Netherlands was made after due reflection and according to scrupulous application of the current procedure;

- **Next meetings:** decided to postpone until early 2006 the meeting of the Sub-Committee on Crime Problems and the Fight against Terrorism, foreseen in Paris on 22 November 2005, and to hold the following meetings:
- Paris, Tuesday 22 November 2005 (9 h – 17 h) (Council of Europe Office), meeting and hearing on the ratification of the Framework Convention for the Protection of National Minorities by the Council of Europe member states
 - Paris, Tuesday 13 December 2005 at 9 h (Council of Europe Office)
 - Strasbourg, during the Assembly's 1st part-session of 2006 (23-27 January).

Andrew Drzemczewski, Günter Schirmer, Valérie Clamer

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