



Parliamentary Assembly Assemblée parlementaire

SECRETARIAT

13 March 2008
Synopsis AS/Jur No 2008/02

To the Members of the Committee on Legal Affairs and Human Rights

Synopsis of the meetings held in Paris on 6 and 7 March 2008

The Committee on Legal Affairs and Human Rights, meeting in Paris on 6 and 7 March 2008 with Mrs Herta Däubler-Gmelin (Germany, SOC) in the Chair, as regards:

- ***The accession of the European Union/European Community to the European Convention on Human Rights*** (*Rapporteur: Mrs Marie-Louise Bemelmans-Videc, Netherlands, EPP/CD*):
 - considered and approved a report and adopted a draft resolution and a draft recommendation, with a view to presenting them at the Assembly's April 2008 part-session;
 - decided to propose that Mr Antonio Vitorino, former European Commissioner for Justice and Home Affairs and Chairperson of Working Group II on the European Convention, be invited to the debate in the plenary Assembly;
- ***The looming crisis facing the European Court of Human Rights*** (*Rapporteur: Mrs Marie-Louise Bemelmans-Videc, Netherlands, EPP/CD*): considered an outline report and decided to change the title of the report to "*Guaranteeing the authority and effectiveness of the European Convention on Human Rights*";

and then, with Mr Christos Pourgourides (Cyprus, EPP/CD), 1st Vice-Chairperson, in the Chair;

- ***Legal recognition of same-sex partnerships in Europe and Freedom of assembly and expression for lesbian, gay, bisexual and transgendered persons in Council of Europe member states*** (*Rapporteur: Mr Andreas Gross, Switzerland, SOC*):
 - held a hearing with the participation of the following experts:
 - Mr Jeffrey Weeks, Professor of Sociology, Director of Research, London South Bank University
 - Mr Louis-Georges Tin, French Academic, Founder of IDAHO (International Day against Homophobia)
 - Ms Joke Swiebel, Former member of the European Parliament and Chairperson of the EP's Gay and Lesbian Intergroup
 - Mr Maxim Anmeghichean, Programmes Director, International Lesbian and Gay Association (ILGA Europe)
 - heard a statement by Mr Dennis van der Veur, Adviser in the Office of the Council of Europe Commissioner for Human Rights;
 - considered and declassified an information memorandum prepared by the Rapporteur;
 - decided to ask the Bureau that the new motion on "*Discrimination on the basis of sexual orientation and gender identity*" (Doc 11423) be incorporated into Mr Gross's current report;

- **Legal remedies for human rights violations in the North-Caucasus Region** (*Rapporteur: Mr Dick Marty, Switzerland, ALDE*): heard a statement by the Rapporteur and decided to reiterate its request to the Bureau to be seized for report on this matter;
- **Sub-Committee on the Election of Judges to the European Court of Human Rights** (*Chairperson: Mrs Marie-Louise Bemelmans-Videc, Netherlands, EPP/CD*): heard a report by the Chairperson of the Sub-Committee on the meeting held in Paris on 6 March 2008;
- **The state of health of Mr Abdullah Ocalan:**
 - welcomed the decision of the Turkish authorities to authorise publication of the report relating to the visit in May 2007 of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as well as related documents;
 - decided to postpone until its next meeting its proposal on the appropriate follow up to be given to this motion, in order to take into account these new developments;
 - decided to inform the Bureau of the current state of its consideration on this matter;
- **Ratification by the Russian Federation of Protocol No 14 to the European Convention on Human Rights:** asked its Chairperson to write to the Chairperson of the Russian Delegation to the Parliamentary Assembly, recalling the urgency of ratifying, and decided to take up this matter again at its next meeting;
- **Appointment of rapporteurs:**
 - Implementation of judgments of the European Court of Human Rights: Mr Christos Pourgourides (Cyprus, EPP/CD)
 - For a greater commitment of member states concerning the efficiency and implementation of the Council of Europe Treaty Law: Mr John Prescott (United Kingdom, SOC)
 - The European Charter for Regional or Minority Languages: Mr Valeriy Pysarenko (Ukraine, EPP/CD)
 - The role of parliamentarians in promoting the rapid entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings and its ratification by as many states as possible (*for opinion*): Mr John Prescott (United Kingdom, SOC);
- **Motion for a resolution on “The situation of human rights in China and Tibet”:** decided not to deal with this matter;
- **Motion for a resolution on “The eradication of discrimination based on the principle of “collective guilt” in Europe”:** decided to propose to the Bureau that this motion be referred for report to the Political Affairs Committee (instead of the Committee on Legal Affairs and Human Rights) and for opinion to the Committee on Legal Affairs and Human Rights;
- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of a document summarising the following replies:
 - The 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE
 - Ratification of the Framework Convention for the Protection of National Minorities by the member states of the Council of Europe
 - The United States of America and international law
 - Fair trial issues in criminal cases concerning espionage or divulging state secrets
 - Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report
 - Prosecution of offences falling within the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY)

As regards the reply to Recommendation 1788 (2007) on the United States and international law, asked its Chairperson to address a written question to the Committee of Ministers in order to obtain more details;

- **Appointment of representatives of the Committee:**
 - Steering Committee for Human Rights (CDDH) (Strasbourg, 25-28.03.2008): Mr Klaas de Vries (Netherlands, SOC)
 - Octopus Conference: Cooperation against cybercrime (Strasbourg, 1-2 April 2008): Mr Kimmo Sasi (Finland, EPP/CD)
 - International Conference: "Reporting on Torture in the Context of the War on Terrorism" (Brussels, 4 April 2008): Mr Dick Marty (Switzerland, ALDE)
 - Working session of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs on the European Council Framework decision amending the Framework decision on combating Terrorism (Brussels, 7 April 2008): Mr Dick Marty (Switzerland, ALDE)
 - Colloquy "Strengthening implementation of the European Convention on Human Rights" (Stockholm, 9-10 June 2008): Mrs Marie-Louise Bemelmans-Videc (Netherlands, EPP/CD);
- **Participation of members in conferences, meetings, seminars, etc.:** took note of a written report by the following representative:
 - Group of States against Corruption (GRECO) (Strasbourg, 6-7 December 2007): Mr Jaume Bartumeu Cassany (Andorra, SOC);
- **Draft European Convention on Access to Official Documents:** took note of a letter of 25 February 2008 from the Organisation « Access Info Europe » and asked Mr de Vries to inform members of the ongoing discussions in the CDDH;
- **The situation of Roma in Europe and relevant activities of the Council of Europe** (*Rapporteur: Mr József Berényi, Slovakia, EPP/CD*): authorised the Rapporteur to carry out information visits to Denmark and Italy, probably in June and September 2008;
- **Minority protection in Europe: best practices and deficiencies in implementation of common standards** (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*): authorised the Rapporteur to carry out an information visit to Slovakia on the occasion of his visit to Austria (already authorised);
- **Membership of sub-committees:** took note of the following changes:
 - *Sub-Committee on Human Rights:* Mrs Lilian Maury (Switzerland, SOC) to become the alternate of Mr Dick Marty
 - *Sub-Committee on Crime Problems and the Fight against Terrorism:* Mr Felix Müri (Switzerland, ALDE) to become the alternate of Mr Dick Marty
 - *Sub-Committee on Rights of Minorities:* Mr József Kozma (Hungary, SOC) to replace Mr József Gedei;
- **National selection procedures for candidates for the European Court of Human Rights** (*Rapporteur: Mr Christopher Chope, United Kingdom, EDG*): decided to organise a hearing, with the participation of experts, at a forthcoming meeting;
- **The situation of human rights defenders in Council of Europe member states** (*Rapporteur: Mr Holger Haibach, Germany, EPP/CD*): decided to declassify the outline report;
- **Invitation from the delegation of the Russian Federation:** thanked the Russian delegation for the invitation to meet in Russia in the course of 2008;

- **Next meetings:**

Plenary Committee:

- Strasbourg, during the Assembly's 2nd part-session of 2008 (14-18 April)
- Paris, Monday 2 June 2008 at 9 h (Council of Europe Office)
- Strasbourg, during the Assembly's 3rd part-session of 2008 (23-27 June)

Sub-Committee on Crime Problems and the Fight against Terrorism:

- Athens (Greece), 28-29 March 2008 (Conference on "Anti-terrorist measures and human rights ", organised jointly with the Marangopoulos Foundation)

Sub-Committee on the Election of Judges to the European Court of Human Rights:

- Strasbourg, Sunday 13 April 2008, 16 h - 18 h 30 (*subject to confirmation on 4 April 2008*)

The Sub-Committee on the Election of Judges to the European Court of Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Paris on 6 and 7 March 2008 with Mrs Bemelmans-Videc (Netherlands, EPP/CD) in the Chair, as regards:

- **Hearings:** held hearings with three candidates to the European Court of Human Rights on behalf of Azerbaijan and Montenegro and the third candidate with respect to Slovenia and adopted its recommendations for the attention of the Bureau of the Assembly with respect to the candidates from these countries;
- **Next meeting:**
 - Strasbourg, Sunday 13 April 2008, 16 h – 18 h 30 (*subject to confirmation on 4 April 2008*)

Andrew Drzemczewski, Günter Schirmer, Catherine Maffucci-Hugel, Isild Heurtin

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