

11 September 2008  
Synopsis AS/Jur No 2008/06

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

### Synopsis of the meetings held in Paris on 9 September 2008

**The Committee on Legal Affairs and Human Rights**, meeting in Paris on 9 September 2008 with Mrs Herta Däubler-Gmelin (Germany, SOC), in the Chair, as regards:

- **Draft Council of Europe Convention on Access to Official Documents** (*Rapporteur: Mr Klaas de Vries, Netherlands, SOC*): considered and approved a report and adopted a draft opinion, with a view to presenting them at the Assembly's September/October 2008 part-session;

with Mr Christos Pourgourides (Cyprus, EPP/CD), 1<sup>st</sup> Vice-Chairperson, in the Chair (only as regards the next item):

- **Co-operation with the International Criminal Court (ICC) and its universality** (*Rapporteur: Mrs Herta Däubler-Gmelin, Germany, SOC*): considered and approved a report and adopted a draft resolution;
- **Protection of human rights in emergency situations** (*Rapporteur: Mr Holger Haibach, Germany, EPP/CD*): considered an introductory memorandum and held a hearing with the participation of the following experts:
  - Ms Finola Flanagan, member of the European Commission for Democracy through Law ("Venice Commission") and Director General, Office of the Attorney General, Dublin
  - Ms Kirsten Mlacak, Head of the Human Rights department, Office for Democratic Institutions and Human Rights (ODIHR), OSCE, Warsaw
  - Ms Anya Tsitsina, Europe Programme Assistant, International Crisis Group (ICG), Brussels
  - Mr Avetik Ishkhanyan, Chairman of the Helsinki Committee in Armenia, Yerevan
- **Appointment of rapporteurs:**
  - *Compliance with the International Court of Justice decision in the Avena case*: Mrs Renate Wohlwend (Liechtenstein, EPP/CD)
  - *Proposed 42-day pre-charge detention in the United Kingdom*: Mr Klaas de Vries (Netherlands, EPP/CD)
  - *Situation in Cyprus (for opinion)*: Mr Boriss Cilevičs (Latvia, SOC)
  - *Consequences of the war between Georgia and Russia (for opinion) [subject to the ratification by the Parliamentary Assembly of the proposed debate under urgent procedure and of the references proposed by the Bureau]*: Mr Christos Pourgourides (Cyprus, EPP/CD);
- **Motion for a recommendation on the obligation of member states of the Council of Europe to co-operate in prosecution of war crimes**: decided to ask the Bureau to be seized for report on this issue;

- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of the following replies:
  - The concept of “nation” (Rapporteur: Mr György Frunda, Romania, EPP/CD)
  - Towards decriminalisation of defamation (Rapporteur: Mr Jaume Bartumeu Cassany, Andorra, SOC)
  - State of human rights and democracy in Europe (Rapporteur: Mr Christos Pourgourides, Cyprus, EPP/CD)
  - United Nations Security Council and European Union blacklists (Rapporteur: Mr Dick Marty, Switzerland, ALDE)
  - Video surveillance of public areas (Rapporteur: Mr Yuri Sharandin, Russian Federation, EDG)
  - Draft Convention of the Council of Europe on the adoption of children (revised) (Rapporteur: Mr Jaume Bartumeu Cassany, Andorra, SOC)

and, having observed that too many replies were unsatisfactory, asked its Chairperson to raise the question of follow-up by the Committee of Ministers to Assembly recommendations at the next meeting of the Bureau of the Assembly with a view to putting it on the agenda of a forthcoming meeting of the Joint Committee;

- **Nomination of candidates and election of judges to the European Court of Human Rights** (Rapporteur: Mr Christopher Chope, United Kingdom, EDG): considered a preliminary draft report, declassified it and decided to ask the Bureau to extend the mandate until 31 December 2008;
- **The situation of Roma in Europe and relevant activities of the Council of Europe** (Rapporteur: Mr József Berényi, Slovak Republic, EPP/CD): considered an introductory memorandum and declassified it;
- **Minority protection in Europe: best practices and deficiencies in implementation of common standards** (Rapporteur: M. Boriss Cilevičs, Latvia, SOC): heard a statement by the Rapporteur on his information visit to Austria and the Slovak Republic from 9 to 11 June 2008;
- **Death of Magomed Yevloyev:** approved a public statement;
- **Discrimination on the basis of sexual orientation and gender identity** (Rapporteur: Mr Andreas Gross, Switzerland, SOC): authorised the Rapporteur to carry out a fact-finding visit to Lithuania on the occasion of his visit to Poland (already authorised) and to carry out a fact-finding visit to Moldova;
- **The Russian Federation’s non-ratification of Protocol No 14 to the European Convention on Human Rights:** took note of a memorandum prepared by the Secretariat upon the instructions of the Chairperson and was informed that the Chairperson would visit Moscow on 10-11 October 2008;
- **Appointment of representatives of the Committee:**
  - Conference “International Courts and Tribunals - the Challenges ahead” (London, 6-7 October 2008): Mrs Herta Däubler-Gmelin (Germany, SOC);
- **Participation of members in conferences, meetings, seminars, etc.:** heard a report by the following representative:
  - European Commission for Democracy through Law (“Venice Commission”) (Venice, 13-14 June 2008): Mr Christos Pourgourides (Cyprus, EPP/CD)
- **Membership of sub-committees:**
  - *Sub-Committee on Human Rights:* Mr Hugo Vandenberghe (Belgium, EPP/CD) to become a member, with Mr Philippe Monfils (Belgium, ALDE) as his alternate
  - *Sub-Committee on Crime Problems and the Fight against Terrorism:* Mr Hugo Vandenberghe (Belgium, EPP/CD) to become a member, with Mr André Flahaut (Belgium, SOC) as his alternate;

- **Next meetings:**
  - Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2008 (29 September - 3 October)
  - Moscow (Russian Federation), Monday 10 and Tuesday 11 November 2008
  - Paris, Thursday 11 December 2008 at 9 h (Council of Europe Office)
  - Strasbourg, during the Assembly's 1<sup>st</sup> part-session of 2009 (26 - 30 January)

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**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 9 September 2008 with Mrs Marie-Louise Bemelmans-Videc (Netherlands, EPP/CD) in the Chair, as regards:

- **Hearings:** held hearings with three candidates to the European Court of Human Rights in respect of Luxembourg and adopted its recommendations for the attention of the Bureau of the Assembly with respect to the candidates from this country;
- **Next meeting:** left it to its Chairperson to convene the next meeting.

Andrew Drzemczewski, Günter Schirmer, 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