



SECRETARIAT

5 May 2009

Synopsis AS/Jur No 2009/03

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

### Synopsis

#### of the meetings held in Strasbourg from 26 to 29 April 2009

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg

- on 27 April 2009 at 14 h, with Mrs Herta Däubler-Gmelin (Germany, SOC), in the Chair, as regards:
  - **Protection of human rights in emergency situations** (*Rapporteur: Mr Holger Haibach, Germany, EPP/CD*): took position on the amendments to the draft resolution and draft recommendation;
  - **Draft Protocol No 14 bis to the Convention for the Protection of Human Rights and Fundamental Freedoms**: appointed Mr Klaas De Vries (Netherlands, SOC) rapporteur for the urgent procedure debate and held an exchange of views with Mr Roderick Liddell, Director of Common Services at the European Court of Human Rights;
  - **Sub-Committee on the Election of Judges to the European Court of Human Rights** (*Chairperson: Mr Boriss Cilevičs, Latvia, SOC*): heard a statement by the Chairperson of the Sub-Committee on the meeting held in Strasbourg on 26 April 2009;
  - **The implementation of Resolution 1633 (2008) on the consequences of the war between Georgia and Russia** (*Rapporteur for opinion: Mr Christos Pourgourides, Cyprus, EPP/CD*): heard a statement by the former rapporteur and decided to continue to monitor the human rights situation resulting from the war between Georgia and Russia, as requested by the Bureau on 3 October 2008;
  - **The European Charter for Regional or Minority Languages** (*Rapporteur: Mr József Berényi, Slovak Republic, EPP/CD*): considered an introductory memorandum and approved a questionnaire to be sent to the national delegations, for reply before 15 July 2009;
  - **Allegations of politically-motivated abuses of the criminal justice system in Council of Europe member states** (*Rapporteur: Mrs Sabine Leutheusser-Schnarrenberger, Germany, ALDE*): heard a statement by the Rapporteur on her fact-finding visit to Moscow on from 30 March to 2 April 2009;
  - **Minority protection in Europe: best practices and deficiencies in implementation of common standards** (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*): heard a statement by the Rapporteur on his fact-finding visit to Greece from 26 to 28 February 2009;

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- **on 28 April 2009 at 8 h 30**, with Mrs Däubler-Gmelin in the Chair, as regards:
  - ***The situation of human rights defenders in Council of Europe member states*** (*Rapporteur: Mr Holger Haibach, Germany, EPP/CD*): took position on the amendments to the draft resolution and the draft recommendation;
  - ***Draft Protocol No 14 bis to the Convention for the Protection of Human Rights and Fundamental Freedoms*** (*Rapporteur: Mr Klaas de Vries, Netherlands, SOC*): considered and approved a report and adopted a draft opinion;
  - ***The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans*** (*Rapporteur: Mr Jean-Charles Gardetto, Monaco, EPP/CD*): heard a statement by the Rapporteur on his fact-finding visit to the International Criminal Tribunal for the former Yugoslavia at the Hague on 9 April 2009;
  - ***The situation of Roma in Europe and relevant activities of the Council of Europe*** (*Mr József Berényi, Slovak Republic, EPP/CD*): decided to hold a hearing on the situation of Roma in Romania at its meeting in Târgu Mureş on 18 May 2009.

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- **on 29 January 2009 at 14 h**, with Mrs Däubler-Gmelin in the Chair, as regards:
  - ***Sub-Committee on the Election of Judges to the European Court of Human Rights*** (*Chairperson: Mr Boriss Cilevičs, Latvia, SOC*): heard a report by the Chairperson of the Sub-Committee on the meeting held in Strasbourg on 28 April 2009; instructed him to prepare an information document summarising the situation concerning the list of candidates on behalf of Ukraine; took note of a motion by Mr Marty on this issue; and asked the Ukrainian delegation to provide information, before its next meeting, on progress made in this matter;
  - ***The need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights*** (*Rapporteur: Mr Boris Cilevičs, Latvia, SOC*): took note – in his absence – of an information note prepared by Mr Guy de Vel (Council of Europe representative on the Management Board of the EU's Fundamental Rights Agency) and decided to hold an exchange of views on this question at its meeting in Paris on 11 September 2009;
  - ***Sub-Committee on Human Rights*** (*Chairperson: Mr Jean-Charles Gardetto, Monaco, EPP/CD*): heard a report by M. Pourgourides on the meeting held in Strasbourg on 28 April 2009 and endorsed the proposals of the Sub-Committee concerning the lists of candidates to the European Committee for the Prevention of Torture (CPT) submitted by the parliamentary delegations of Denmark and Hungary;
  - ***Sub-Committee on Rights of Minorities*** (*Chairperson: Mr József Berényi, Slovak Republic, EPP/CD*): heard a statement by the Chairperson of the Sub-Committee on the meeting held in Monaco on 10 March 2009;
  - ***Draft Protocol No 14 bis to the Convention for the Protection of Human Rights and Fundamental Freedoms*** (*Rapporteur: Mr Klaas de Vries, Netherlands, SOC*): took position on the amendments to the draft opinion;
  - ***For a Europe-wide sex offenders register*** (*Rapporteur: Mrs Marietta de Pourbaix-Lundin, Sweden, EPP/CD*): authorised the Rapporteur to carry out a fact-finding visit to the United Kingdom;
  - ***Discrimination on the basis of sexual orientation and gender identity*** (*Rapporteur: Mr Andreas Gross, Switzerland, SOC*): declassified an introductory memorandum prepared by the Rapporteur (document AS/Jur (2009) 16);
  - ***Appointment of representatives of the Committee:***
    - 29<sup>th</sup> Conference of Ministers of Justice: "Breaking the silence – united against domestic violence" (Tromsø (Norway), 18-19 June 2009): Mrs Ingrida Circene (Latvia, EPP/CD)

- **Next meetings:**

*Plenary committee:*

- Romania (Târgu Mureş), Monday 18 and Tuesday 19 (morning) May 2009
- Strasbourg, during the Assembly's 3<sup>rd</sup> part-session of 2009 (22-26 June)
- Paris, Friday 11 September 2009 at 9 h (Council of Europe Office)
- Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2009 (28 September – 2 October 2009)

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

- Paris, Monday 8 June 2009 (afternoon) (Council of Europe Office) *(to be confirmed)*

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

- Florence (Italy), 18-19 September 2009 (Conference: "Fight against Terrorism: Challenges for the Judiciary", co-organised by the European University Institute and the Venice Commission, in collaboration with the Sub-Committee *(subject to authorisation of the Assembly's Bureau)*)

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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 Strasbourg on 26 April 2009 at 15 h 30 and on 28 April 2009 at 9 h 30, with Mr Boriss Cilevičs in the Chair, as regards:

- ***Election of a judge to the Court in respect of Malta:*** held an exchange of views with Mr Carmelo Mifsud Bonnici, Minister of Justice and Home Affairs of Malta, and with Mr Francis Agius, Chairperson of the Maltese delegation to the PACE, and decided, by the required majority, that the all-male list of candidates should be accepted (subject to a decision by the plenary Committee with the same majority, as foreseen by paragraph 4 of Assembly Resolution 1366 (2004), as modified by Resolutions 1426 (2005) and 1627 (2008));
- ***Election of a judge to the Court in respect of Ukraine:*** had a discussion on the subject;
- ***Next meeting:***
  - Paris, Monday 8 June 2009 (afternoon) (Council of Europe Office) *(to be confirmed)*

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The **Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 28 April 2009 at 14 h 30, with Mr Jean-Claude Gardetto (Monaco, SOC) in the Chair, as regards:

- ***European Committee for the Prevention of Torture (CPT):*** considered and approved its recommendations for the lists of candidates to the CPT in respect of Denmark and Hungary;
- ***The Öcalan case: new developments:*** held an exchange of views with a legal representative of Mr Öcalan and asked its Chairperson to obtain from the CPT – to the extent possible – more information on Mr Öcalan's conditions of detention;
- ***Next meeting:*** left it to its Chairperson to convene the next meeting.

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

cc: Secretary General and secretariat of the Assembly  
 Secretaries of National Delegations and of Political Groups of the Assembly  
 Observers to the Assembly  
 Secretary General of the Congress  
 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  
 Permanent Representations to the Council of Europe