



SECRETARIAT

29 June 2009  
Synopsis AS/Jur No 2009/05 rev

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

### Synopsis of the meetings held in Strasbourg from 22 to 25 June 2009

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

- on 22 June 2009 at 14 h, with Mrs Herta Däubler-Gmelin (Germany, SOC), in the Chair, as regards:
  - **The situation of Roma in Europe and relevant activities of the Council of Europe** (*Rapporteur: Mr József Berényi, Slovak Republic, EPP/CD*): declassified the report of the hearing held in Târgu Mureş (Romania) on 18 May 2009 (document AS/Jur (2009) 29);
  - **Situation in Belarus** (*Rapporteur: Mr Christos Pourgourides, Cyprus, EPP/CD*): considered a report tabled by the Political Affairs Committee, and approved an opinion and seven amendments to the draft resolution;
  - **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 Paris on 8 June 2009
    - declassified an information note on the situation concerning the Ukraine candidates (AS/Jur (2009) 30)
    - declassified the legal opinion on the election by the Parliamentary Assembly of a Ukrainian judge to the European Court of Human Rights, prepared by MM Wildhaber and Caflisch (AS/Jur (2009) 10);
  - **Reconsideration on substantial grounds of previously ratified credentials of the Ukrainian delegation (Rule 9 of the Assembly's Rules of Procedure)**: appointed Mr Dick Marty (Switzerland, ALDE) rapporteur and held an exchange of views with the Ukrainian parliamentary delegation.

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- on 22 June 2009 at 19 h, with Mrs Däubler-Gmelin in the Chair, as regards:
  - **Reconsideration on substantial grounds of previously ratified credentials of the Ukrainian delegation (Rule 9 of the Assembly's Rules of Procedure)** (*Rapporteur: Mr Dick Marty, Switzerland, ALDE*): considered and approved a report and adopted a draft resolution;
  - **Guaranteeing the authority and effectiveness of the European Convention on Human Rights** (*Rapporteur: Mrs Marie-Louise Bemelmans-Videc, Netherlands, EPP/CD*): decided to ask the Bureau to extend the mandate until 30 September 2010.

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- on 23 June 2009 at 8 h 30, with Mrs Däubler-Gmelin, in the Chair, as regards:
- **Election of a judge to the European Court of Human Rights: list of candidates with respect to Malta:** following a vote, the majority required in order to accept that Malta had taken all the necessary and appropriate steps to ensure that the list of candidates contained a candidate of the under-represented sex was not reached; the list should therefore be rejected;
- **Protection of "whistle-blowers"** (*Rapporteur: Mr Pieter Omtzigt, 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 part-session in September/October 2009;
- **Forum on early warning in conflict prevention (Strasbourg, 24-25 September 2009):** decided to propose the following members to the Ad Hoc Committee of the Bureau: Mr Renato Farina (Italy, EPP/CD) and Mr Franz Kühnel (Austria, EPP/CD);
- **Appointment of rapporteurs:**
  - *International Convention for the Protection of all Persons from Enforced Disappearances:* Mr Christos Pourgourides (Cyprus, EPP/CD)
  - *20<sup>th</sup> anniversary of the European Committee against Torture: time to take stock and The need to establish effective, independent national mechanisms for monitoring places of detention:* Mr Jean-Charles Gardetto (Monaco, EPP/CD)
  - *Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations:* Mr Dick Marty (Switzerland, ALDE)
- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of a document summarising the following replies:
  - Rights of national minorities in Latvia (Recommendation 1772 (2006))
  - Abuse of the criminal justice system in Belarus (Recommendation 1832 (2008))
- **Participation of members in conferences, meetings, seminars, etc:** heard a report by the following representative:
  - 29<sup>th</sup> Conference of Ministers of Justice: "Breaking the silence – united against domestic violence" (Tromsø (Norway), 18-19 June 2009): Mrs Carina Hägg (Sweden, SOC)
- **Non-entry into force of Protocol No 14 to the European Convention on Human Rights:** held an exchange of views and asked the Russian delegation to provide – before its next meeting – written information on the state of work in the Russian Duma with a view to the ratification of Protocol No 14 by the Russian Federation.

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- on 23 June 2009 at 14 h, with Mrs Däubler-Gmelin in the Chair, as regards:
- **Reconsideration on substantial grounds of previously ratified credentials of the Ukrainian delegation (Rule 9 of the Assembly's Rules of Procedure)** (*Rapporteur: Mr Dick Marty, Switzerland, ALDE*): took position on the amendments to the draft resolution;
- **The state of human rights in Europe: The need to eradicate impunity** (*Rapporteur: Mrs Herta Däubler-Gmelin, Germany, EPP/DC*): took position on the amendments to the draft resolution and the draft recommendation;
- **Allegations of politically-motivated abuses of the criminal justice system in Council of Europe member states** (*Rapporteur: Mrs Sabine Leutheusser-Schnarrenberger, Germany, ALDE*): considered and approved a report and adopted a draft resolution, with a view to presenting them at the Assembly's part-session in September/October 2009.

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- **on 25 June 2009 at 8 h 30**, with Mr Christos Pourgourides, 1<sup>st</sup> Vice-Chairperson, in the Chair, as regards:
- **Sub-Committee on Human Rights** (*Chairperson: Mr Jean-Charles Gardetto, Monaco, EPP/CD*): heard a report by Mrs Marie-Louise Bemelmans-Videc, Vice-Chairperson, on the meeting held in Strasbourg on 24 June 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 Switzerland, Ukraine, Luxembourg, Liechtenstein, Monaco, Turkey, Estonia, the Netherlands and Norway;
- **Judicial corruption** (*Rapporteur: Mr Kimmo Sasi, Finland, EPP/CD*): considered an introductory memorandum;
- **Implementation of judgments of the European Court of Human Rights** (*Rapporteur: Mr Christos Pourgourides, Cyprus, EPP/CD*): heard a statement by the rapporteur on his fact-finding visit to Bulgaria on 28-29 May 2009 and took note of an outline report;
- **Motion for a resolution on human rights and family courts**: considered a motion for a resolution referred to the Committee for information and decided to ask the Bureau to be seized for report on this matter;
- **The work of the International Committee of the Red Cross (ICRC)**: heard a statement by Mr Symeon Antoulas, Diplomatic Advisor, Multilateral Diplomacy and Humanitarian Coordination Unit, International Committee of the Red Cross (Geneva), on the 60<sup>th</sup> anniversary of the Geneva Conventions of 1949 and the importance of international humanitarian law;
- **Legal remedies for human rights violations in the North-Caucasus Region** (*Rapporteur: Mr Dick Marty, Switzerland, ALDE*): decided to hold an exchange of views in Paris on 11 September 2009 concerning the case-law of the European Court of Human Rights, with a representative of European Human Rights Advocacy Centre (London), a representative of the Russian NGO « Memorial » and a representative of the relevant Russian authorities; took note that the rapporteur intended to submit an activity report at a forthcoming meeting ;
- **Next meetings:**

*Plenary Committee:*

- 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)
- Paris, Monday 16 November 2009 at 9 h (Council of Europe Office)
- Paris, Wednesday 16 December 2009 at 9 h (Council of Europe Office)

*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)

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**The Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 24 June 2009, with Mr Jean-Claude Gardetto (Monaco, EPP/CD) 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 Switzerland, Ukraine, Luxembourg, Liechtenstein, Monaco, Turkey, Estonia, the Netherlands and Norway;
- **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 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