



3 May 2010  
Synopsis AS/Jur No 2010/03

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

### Synopsis of the meetings held in Strasbourg from 26 to 29 April 2010

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

- on 26 April 2010 at 14 h, with Mr Christos Pourgourides (Cyprus, EPP/CD) in the Chair, as regards:
- **The situation in Belarus: recent developments:** appointed Mr Christos Pourgourides (Cyprus, EPP/CD) rapporteur for opinion;
- **Effective implementation of the European Convention on Human Rights: the Interlaken process** (*Rapporteur: Ms Marie-Louise Bemelmans-Videc, Netherlands, EPP/CD*): considered and approved a report and adopted a draft resolution, with a view to presenting them at the Assembly's April 2010 part-session;
- **The obligation of member states of the Council of Europe to co-operate in prosecution of war crimes** (*Rapporteur: Mr Miljenko Dorić, Croatia, ALDE*): considered an introductory memorandum;
- **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 visits to Zagreb (Croatia) and Belgrade (Serbia) on 3-5 February 2010, to Sarajevo (Bosnia and Herzegovina) on 9-10 March 2010 and to Pristina (Kosovo<sup>1</sup>) on 15-16 April 2010, and declassified his memorandum (document AS/Jur (2009) 38);
- **The death penalty in Council of Europe member and observer countries – an unacceptable violation of human rights** (*Rapporteur: Ms Renate Wohlwend, Liechtenstein, EPP/CD*):
  - heard a statement by the rapporteur on the Avena case (Mexico v. United States, International Court of Justice);
  - authorised the rapporteur to write, together with the Chairperson of the Committee, to the US Secretary of State on this matter;
  - heard a report by the rapporteur on the 4<sup>th</sup> Congress of the World Coalition against the Death Penalty (Geneva, 24-26 February 2010);
- **Human rights and business** (*Rapporteur: Mr Holger Haibach, Germany, EPP/CD*): decided to hold a hearing, with the participation of experts, at its meeting in Paris on 31 May 2010.

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<sup>1</sup> All references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

- **on 27 April 2010 at 14 h**, with Mr Christos Pourgourides in the Chair, as regards:
  - ***The necessity to take additional international legal steps to deal with sea piracy*** (*Rapporteur: Mr Serhiy Holovaty, Ukraine, ALDE*): took position on the amendments to the draft recommendation;
  - ***The situation in Belarus: recent developments*** (*Rapporteur for opinion: Mr Christos Pourgourides, Cyprus, EPP/CD*): considered a report tabled by the Political Affairs Committee, and approved an opinion and an amendment to the draft resolution;
  - ***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*): considered and approved a report and adopted a draft resolution and a draft recommendation, with a view to presenting them at the Assembly's June 2010 part-session;
  - ***The situation of Roma in Europe and relevant activities of the Council of Europe*** (*Rapporteur: Mr József Berényi, Slovak Republic, EPP/CD*): took position on the amendments to the draft resolution et draft recommendation, tabled by the Committee on Migration, Refugees and Population and the Committee on Equal Opportunities for Women and Men;
  - ***The Declaration of Principles on Equality and activities of the Council of Europe*** (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*): considered an introductory memorandum;
  - ***Appointment of rapporteurs:***
    - *The impact of the Lisbon Treaty on the Council of Europe (for opinion)*: Mr Pieter Omtzigt (Netherlands, EPP/CD)
    - *Measures to improve the democratic character of elections in Council of Europe member states (for opinion)*: Mr Sergey Markov (Russian Federation, EDG)
    - *Preventing harm to refugees and migrants in extradition and expulsion cases: Rule 39 indications by the European Court of Human Rights (for opinion)*: Ms Anna Ntalara (Greece, SOC).

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- **on 29 April 2010 at 8 h 30**, with Mr Christos Pourgourides in the Chair, as regards:
  - ***Effective implementation of the European Convention on Human Rights: the Interlaken process*** (*Rapporteur: Ms Marie-Louise Bemelmans-Videc, Netherlands, EPP/CD*):
    - was informed that no amendments had been tabled to the draft resolution;
    - authorised the rapporteur to attend the meeting of the Committee of Ministers Working Party on the follow-up process to the Interlaken Declaration, to take place in Strasbourg on 18 November 2010;
  - ***Discrimination on the basis of sexual orientation and gender identity*** (*Rapporteur: Mr Andreas Gross, Switzerland, SOC*): took position on the amendments to the draft resolution and the draft recommendation;
  - ***Protection of "whistle-blowers"*** (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): was informed that no amendments had been tabled to the draft resolution;
  - ***The situation of the Muslim minority (who regard themselves as Turks) in Rhodes and Kos*** (*Rapporteur: Mr Andreas Gross, Switzerland, SOC*): heard a statement by the rapporteur on his fact-finding visit to Rhodes, Kos and Athens (Greece) on 19-21 April 2010;
  - ***Sub-Committee on the Election of Judges to the European Court of Human Rights*** (*Chairperson: Ms Renate Wohlwend, Liechtenstein, EPP/CD*): heard a report by Mr Klaas De Vries (Netherlands, SOC), Vice-Chairperson of the Sub-Committee, on the meetings held in Paris on 14 April 2010 and in Strasbourg on 27 April 2010, and asked its secretariat to bring that information to the attention of the group of experts working on the implementation of the Interlaken process (DH-GDR);

- **Participation of members in conferences, meetings, seminars, etc.:** heard reports by the following representative:
  - European Commission for Democracy through Law ("Venice Commission") (Venice, 12-13 March 2010): Mr Serhiy Holovaty (Ukraine, EPP/CD)
  - Hearing on the accession of the European Union to the European Convention on Human Rights (Brussels, 18 March 2010): Mr Serhiy Holovaty (Ukraine, EPP/CD)
- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of a document summarising the following reply and of the rapporteur's comments thereon:
  - Council of Europe member states' duty to co-operate with the European Court of Human Rights (Recommendation 1809 (2007));
- **Guaranteeing the authority and effectiveness of the European Convention on Human Rights** (*Rapporteur: Ms Marie-Louise Bemelmans-Videc, Netherlands, EPP/CD*): decided to ask the Bureau to extend the mandate until 31 December 2011;
- **The need for a global consideration of human rights implications of biometrics** (*Rapporteur: Mr Holger Haibach, Germany, EPP/CD*): decided to ask the Bureau to extend the mandate until 31 October 2010;
- **Inhumane treatment of people and illicit trafficking in human organs in Kosovo** (*Rapporteur: Mr Dick Marty, Switzerland, ALDE*): decided to ask the Bureau to extend the mandate until 31 December 2010;
- **Membership of sub-committees:** took note of the following change:
  - Ms Nataša Vučković (Serbia, SOC) to become a member of the Sub-Committee on Rights of Minorities;
- **Request for an investigation to clarify the allegedly suspicious death of former President Boris Trajkovski of "the former Yugoslav Republic of Macedonia"** (*Rapporteur: Mr Andreas Gross, Switzerland, SOC*): authorised the rapporteur to attend a meeting at the parliament of the "former Yugoslav Republic of Macedonia" in Skopje on 9 May 2010;
- **Case of Labsi v. Slovakia:** was informed about a joint declaration by its Chairperson and the Chairperson of the Committee on Migration, Refugees and Population on the decision taken by the Slovak authorities to extradite Mustapha Labsi to Algeria on 19 April 2010, ignoring a binding interim measure ordered by the European Court of Human Rights that this applicant should not be extradited to Algeria;
- **Next meetings:**

*Plenary Committee:*

  - Paris, Monday 31 May 2010, 9 h – 13 h (Council of Europe Office)
  - Strasbourg, during the Assembly's 3<sup>rd</sup> part-session of 2010 (21-25 June 2010)

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

  - Paris, Monday 31 May 2010, 14 h 15 – 19 h 15 (Council of Europe Office)

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***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 Tuesday 27 April 2010 at 9 h, with Mr Klaas De Vries (Netherlands, SOC), Vice-Chairperson, in the Chair,

- held an exchange of views on the selection process, interviews and related issues;
- decided to hold its next meeting:
  - in Paris, on Monday 31 May 2010, from 14 h 15 to 19 h 15 (Council of Europe Office)

Andrew Drzemczewski, Mario Heinrich, Agnieszka Szklanna, 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