



Committee on Legal Affairs and Human Rights
Commission des questions juridiques et des droits de l'homme

SECRETARIAT

1 February 2012
Synopsis AS/Jur No 2012/ 01

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

Synopsis of the meeting held in Strasbourg from 23-26 January 2012

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

- **on Monday 23 January 2012 at 2pm**, with Lord Anderson (United Kingdom, SOC), oldest member present, then Mr Christopher Chope (United Kingdom, EDG), in the Chair, as regards:
 - ***Election of the Bureau of the Committee***¹: elected Mr Christopher Chope (United Kingdom, EDG) Chairperson, and Mr Boriss Cilevičs (Latvia, SOC), Vice-Chairperson, by acclamation; decided to return to the nomination of the remaining Vice-Chairpersons when proposals would be received from the EPP and ALDE Political Groups;
 - ***Sub-Committee on the Election of Judges to the European Court of Human Rights***: heard a statement by the Vice-Chairperson, Mr Klaas de Vries (Netherlands, SOC) on the meeting held in Strasbourg on 22 January 2012;
 - ***The Situation in Belarus*** (*Rapporteur for opinion: Ms Marieluise Beck, Germany, ALDE*): held an exchange of views with Mrs Lyubou Kavalyova, mother of the alleged terrorist Mr Vladislav Kavalyov, sentenced to death in 2011, and considered and unanimously approved the Committee's opinion;
 - ***Reconstitution of Sub-Committees***: agreed to the reconstitution of the Sub-Committee on the Election of Judges to the European Court of Human Rights, the Sub-Committee on Crime Problems and the Fight against Terrorism and the Sub-Committee on Human Rights;
 - ***Proposed creation of a Sub-Committee on the Rule of Law***: agreed to constitute this Sub-Committee;
- **on Tuesday 24 January 2012 at 8.30am**, as regards:
 - ***Guaranteeing the authority and effectiveness of the European Convention on Human Rights*** (*Rapporteur: Ms Marie-Louise Bemelmans-Vidéc, Netherlands, EPP/CD*): was informed that no amendments had been tabled and agreed to the presentation of the report by Mr Klaas de Vries (Netherlands, SOC);

¹ At its meeting on 27 January 2012, the Bureau decided:

. to ask the Committee on Rules of Procedure, Immunities and Institutional Affairs to provide an interpretation of the procedure for the establishment of the order of precedence of Vice-Chairpersons of Committees and to report back to the Bureau;

. pending the reply from the Committee on Rules of Procedure, Immunities and Institutional Affairs, to invite the Assembly committees not to apply an order of precedence of the elected Vice-Chairpersons.

- **Provisional ratification of the composition of Sub-Committee lists:** agreed to a provisional composition of the Sub-Committee on Crime Problems and the Fight against Terrorism and the Sub-Committee on Human Rights and deferred the final composition until its plenary meeting in Paris on 12 March 2012;
- **Creation of the Sub-Committee on the Rule of Law:** constituted the Sub-Committee and agreed that members should indicate their interest in their membership of this Sub-Committee with a view to finalising its composition at the meeting on 12 March 2012;
- **Appointment of rapporteurs:**
 - **Implementation of judgments of the European Court of Human Rights** (former Rapporteur: Mr Christos Pourgourides, Cyprus, EPP/CD): appointed Mr Klaas de Vries (Netherlands, SOC)
 - **The situation of IDPs and returnees in the North-Caucasus regions** (for opinion) (former Rapporteur: Mr Dick Marty, Switzerland, ALDE): appointed Ms Marieluise Beck (Germany, ALDE)
 - **FRONTEX and human rights implications of Europe's border security** (for opinion): appointed Mr James Clappison (United Kingdom, EDG)
 - **Child friendly justice** (for opinion): appointed Mr Tamás Gaudi Nagy (Hungary, NI)
 - **Draft fourth additional protocol to the European Convention on Extradition (ETS No. 24):** appointed Mr Tudor Panțiru (Romania, SOC);
- **Appointment of representatives of the Committee:** proposed the following appointments to the Bureau for 2012:
 - **European Commission for Democracy through Law ("Venice Commission"):**
Mr Serhiy Holovaty (Ukraine, ALDE)
Mr Philippe Mahoux (Belgium, SOC), substitute
 - **Council for Democratic Elections (of the Venice Commission):**
Mr Andreas Gross (Switzerland, SOC)
 - **Group of States against Corruption (GRECO):**
Mr Oliver Heald, (United Kingdom, EDG)
Ms Marietta de Pourbaix-Lundin (Sweden, EPP/CD), substitute
 - **European Commission for the Efficiency of Justice (CEPEJ):**
Mr Tamás Gaudi Nagy (Hungary, NI)
- **Exchange of views with the Rt. Hon. David Lidington, MP, Minister for Europe, Foreign and Commonwealth Office, United Kingdom and Ambassador Eleanor Fuller (United Kingdom), Chairperson of the Ministers' Deputies:** held an exchange of views on the chairmanship's priorities and on the implementation of the European Convention on Human Rights;
- **on Tuesday 24 January 2012 at 2pm, as regards:**
 - **Bureau of the Committee:** elected Mr György Frunda (Romania, EPP/CD) and Ms Marina Schuster (Germany, ALDE) Vice-Chairpersons, both by acclamation²;
 - **The inadmissibility of restrictions on freedom of movement as punishment for political positions** (Rapporteur: Mr Tuğrul Türkes, Turkey, EDG): agreed to the appointment of Mr Haluk Koç (Turkey, SOC) as rapporteur, following Mr Türkes' departure from the Committee, considered a draft report and draft resolution, and decided to return to the matter at its meeting on 12 March in Paris;

² At its meeting on 27 January 2012, the Bureau decided:

. to ask the Committee on Rules of Procedure, Immunities and Institutional Affairs to provide an interpretation of the procedure for the establishment of the order of precedence of Vice-Chairpersons of Committees and to report back to the Bureau;

. pending the reply from the Committee on Rules of Procedure, Immunities and Institutional Affairs, to invite the Assembly committees not to apply an order of precedence of the elected Vice-Chairpersons.

- **Other business**

- discussed an information note prepared by Mr Strässer (Germany, SOC), in the context of his report on “Revisiting the issue of political prisoners”;
 - accepted an invitation of the Italian delegation to host a meeting of the plenary Committee in May 2012 (dates to be confirmed) subject to authorisation of the Bureau;
 - agreed to hold a hearing on “Revision of the European Convention on transfrontier broadcasting” at the Committee meeting in May and authorised the rapporteur to undertake a fact-finding mission to Brussels;
 - agreed to hold a hearing on “Keeping political and criminal responsibility separate” at the Committee meeting in May and authorised the rapporteur to undertake a fact-finding mission to Iceland and Ukraine;
 - authorised the Chairperson (at no cost to the Assembly) and Mr Serhiy Holovaty (Ukraine, ALDE) (subject to the availability of funds) to attend a Conference on the Rule of Law in London on 2 March 2012;
 - authorised the Chairperson to request the President of the Assembly and the Head of the Russian Delegation to appeal to the Belarusian authorities not to execute two young men convicted in the context of the 2011 bombing at a Minsk metro station, on humanitarian grounds;
- **on Thursday 26 January 2012 at 8.30am, as regards:**
- **Sub-Committee on Human Rights:** heard a statement by the Chair of the plenary Committee with regard to the Sub-Committee’s meeting held in Strasbourg on 25 January 2012; 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 Montenegro and Latvia, and the proposal that the delegation of “the former Yugoslav Republic of Macedonia” be invited to submit a new list;
 - **Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties,** (Rapporteur: Mr Serhii Kivalov (Ukraine, ALDE): considered an introductory memorandum. In the context of this report, and that of the rapporteurship of Mr Klaas de Vries (Netherlands, SOC) on the implementation of judgments of the European Court of Human Rights, agreed to hold hearings during the April part-session with the heads of the Bulgarian, Italian and Ukrainian delegations, with similar hearings to be scheduled with heads of other delegations in June and in October 2012;
 - **Work programme of the Committee: Priorities for 2012:** approved the Committee's priorities for 2012;
 - **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of three replies from the Committee of Ministers relating to “Implementation of judgments of the European Court of Human Rights”, “The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans” and “An internationally recognised status of election observers”;
 - **The situation of human rights defenders in Council of Europe member states** (Rapporteur: Ms Mailis Reps, Estonia, ALDE): considered an introductory memorandum, held an exchange of views with Mr Thomas Hammarberg, Council of Europe Commissioner for Human Rights, and held a hearing with the participation of Ms Tanya Lokshina, Deputy Director, Human Rights Watch, Russia; Ms Brigitte Espuche, General Delegate, ANAFE (National Association of Assistance for Foreigners at the Borders) and Mr Milan Antonijevic, Lawyers’ Committee for Human Rights, Belgrade, Serbia;
- **on Thursday 26 January 2012 at 2pm, as regards:**
- **Enforced population transfer as a human rights violation** (Rapporteur Mr Egidijus Vareikis, Lithuania, EPP/CD): took position on the amendments to the draft resolution;

- **Other business**

- discussed the matter of General Rapporteurs in the Assembly and decided to return to it during the meeting on 12 March 2012 in Paris;
- on the proposal of Mr Pieter Omtzigt, invited the Chairperson to remind the Greek and Turkish delegations that a reply to the follow-up of the report by Mr Michel Hunault on religious minority issues (see Resolution 1704 (2009), § 20) was still outstanding;

- **Revisiting the issue of political prisoners** (*Rapporteur: Mr Christoph Strässer, Germany, SOC*): held a hearing with the participation of Mr Eynulla Fatullayev, journalist, Baku, Mr Eldar Zeynalov, Chair of Human Rights Center of Azerbaijan, Mr Murad Sadaddinov, Chair of Azerbaijan Foundation of Democracy Development and Human Rights Protection ; Mr Ramiz Sevdimaliyev, “Chief Scientific worker”, Department of “International Affairs and International Law”, Baku;

- **Next meetings:**

Plenary Committee:

- Paris, 12 March 2012 at 9am (Council of Europe Office)
- Strasbourg, during the Assembly’s 2nd part-session of 2012 (23-27 April 2011)

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

- Paris, 12 March 2012 at 4pm (Council of Europe Office).

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 22 January 2012 at 4pm, with Ms Renate Wohlwend (Liechtenstein, EPP/CD), Chairperson, in the Chair, as regards:

- **Candidates to the European Court of Human Rights in respect of Belgium:** held a telephone conference with the Belgian Minister of Justice, Ms Annemie Turtelboom ;
- **Next meeting:** Strasbourg, 24 January 2012 at 2pm.

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 24 January 2012 at 2pm, with Mr Klaas de Vries (Netherlands, SOC), oldest member present, as regards:

- **Election of the Sub-Committee's Bureau:** elected Mr Klaas de Vries (Netherlands, SOC) Chairperson and Ms Renate Wohlwend (Liechtenstein, EPP/CD) (Vice-Chairperson), both by acclamation;
- **Next meeting:** Paris, 12 March 2012 at 4pm (Council of Europe Office).

The **Sub-Committee on Crime Problems and the Fight against Terrorism** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 24 January 2012 at 2.10pm, with Lord Anderson (United Kingdom, SOC), oldest member present, and then Ms Marietta Pourbaix-Lundin (Sweden, EPP/CD) in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Ms Marietta de Pourbaix-Lundin (Sweden, EPP/CD) Chairperson, by acclamation; postponed the election of the Vice-Chairperson to the next meeting;
- **Next meeting:** left it to the Chairperson to convene the next meeting.

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 24 January 2012 at 2.20pm, with Mr Christopher Chope (United Kingdom, EDG), oldest member present, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** decided to return to the election of the Bureau at the next meeting and agreed that Mr Christopher Chope (United Kingdom, EDG), Chair of the plenary Committee, would chair the Sub-Committee meeting on Wednesday 25 January 2012;
- **Next meeting:** Wednesday 25 January 2012.

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 25 January 2012 at 2pm, with Mr Christopher Chope (United Kingdom, EDG), Chair of the plenary Committee on Legal Affairs and Human Rights, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** decided to return to this point at the next meeting of the Sub-Committee;
- **European Committee for the Prevention of Torture (CPT):** considered and approved its recommendation for the list of candidates to the CPT in respect of Montenegro and Latvia and decided to propose that the delegation of "the former Yugoslav Republic of Macedonia" be invited to submit a new list;
- **Next meeting:** left it to the Chairperson of the plenary committee to convene the next meeting.

Andrew Drzemczewski, Günter Schirmer, Agnieszka Szklanna, Roland Klages

- cc. Secretary General of the Assembly
 Director General, Directors and all staff of the Secretariat of the Assembly
 Secretaries of National Delegations and of Political Groups of the Assembly
 Secretaries of observer and partner for democracy delegations
 Secretary General of the Congress
 Secretary to the Committee of Ministers
 Directors General
 Director of the Private Office of the Secretary General of the Council of Europe
 Director of the Office of the Commissioner for Human Rights
 Director of Communication
 Permanent Representations to the Council of Europe

Appendix

Composition of Sub-Committees *Composition des sous-commissions*³

i. Sub-Committee on Human Rights *Sous-commission des droits de l'homme*

<u>Titular member / Membre titulaire</u>		<u>Alternate member / Membre remplaçant</u>	
ZZ...	Chairperson / Président(e)		
ZZ...	Vice Chairperson / Vice-Président(e)		
Mr	CILEVIČS Boriss	Latvia / Lettonie	
Mr	CORREIA, Telmo	Portugal	
Mr	DÍAZ TEJERA Arcadio	Spain / Espagne	Mme SANÍN NARANJO Luz Elena
Mr	DİŞLİ Şaban	Turkey / Turquie	
Mme	ERR Lydie	Luxembourg	
Mr	FEDOROV Valeriy	Russia / Russie	
M.	GARDETTO Jean-Charles	Monaco	
Mr	GUNNARSON, Jonas	Sweden / Suède	
Mr	HEALD Oliver	United Kingdom / Royaume-Uni	
Ms	KAPTENOVIĆ Nermina	Bosnia Herzegovina / Bosnie-Herzégovine	
Mr	HOLOVATY Serhiy	Ukraine	
Ms	HÜBINGER Anette	Germany / Allemagne	Mr WADEPUHL Johann
Mr	HUSEYNOV Rafael	Azerbaijan / Azerbaïdjan	
Ms	LOKLINDT Lone	Denmark / Danemark	Ms REISSMANN Mette
Mr	McNAMARA Michael	Ireland / Irlande	Mr FLANAGAN Terence
Mr	MINASHVILI Akaki	Georgia / Géorgie	
M.	NACHBAR Philippe	France	M. BLUM Roland
M	NĂSTASE Adrian	Romania / Roumanie	Mr PANȚIRU Tudor
Mr	NICOLAIDES Nicos	Cyprus / Chypre	Mr LOUKAIDES George
Ms	PAPADIMITRIOU Elsa	Greece / Grèce	Mr DENDIAS Nikolaos
Ms	POSTANJYAN Zaruhi	Armenia / Arménie	
M.	RECORDON Luc	Switzerland / Suisse	Mr GROSS Andreas
Ms	REPS Mailis	Estonia / Estonie	
Mr	SASI Kimmo	Finland / Finlande	
Mme	van VAERENBERGH Kristien	Belgium / Belgique	
Mr	VAREIKIS Egidijus	Lithuania / Lituanie	
Ms	WOHLWEND Renate	Liechtenstein	
Mr	ZELLER Karl	Italy / Italie	Mr FARINA Gianni

Ex officio:

Mr CHOPE Christopher (United Kingdom / *Royaume-Uni*), Chairperson of the Committee on Legal Affairs and Human Rights
Président de la Commission des questions juridiques et des droits de l'homme

ii. Sub-Committee on Crime Problems and the Fight against Terrorism *Sous-commission sur les problèmes criminels et la lutte contre le terrorisme*

<u>Titular member / Membre titulaire</u>		<u>Alternate member / Membre remplaçant</u>	
Ms	de POURBAIX-LUNDIN Marietta, Chairperson / Présidente		
	Sweden / Suède		
ZZ...	Vice Chairperson / Vice-président(e)		
Mr	ANGHEL Floin	Romania / Roumanie	Mr CALIAN Petru
M.	CONDE BAJÉN Agustin	Spain / Espagne	M. DÍAZ TEJERA Arcadio
Mr	CORREIA Telmo	Portugal	
Mr	FARINA Renato	Italy / Italie	
Mr	FLANAGAN Anghel	Ireland / Irlande	Mr McNAMARA Michael
M.	GARDETTO Jean-Charles	Monaco	M. NOUVION Laurent
Mr	GRAF Martin	Austria / Autriche	Mr HÜBNER Johannes

³ To be finalised at the meeting on 12 March 2012 in Paris / sera finalisée à la réunion du 12 mars 2012 à Paris.

Mr	KAIKKONEN	Finland / Finlande	
Mr	KENNEDY Charles	United Kingdom / Royaume-Uni	
Mr	KOÇ Haluk	Turkey / Turquie	
M.	MAHOUX Philippe	Belgium / Belgique	
Mr	MINASHVILI Akaki	Georgia / Géorgie	
Mr	MINCHEV Krasimir	Bulgaria / Bulgarie	
Mr	NIKOLAIDES Nicos	Cyprus / Chypre	Mr LOUCAIDES George
Ms	POSTANJYAN Zaruhi	Armenia / Arménie	
M.	POZZO di BORGIO Yves	France	M. SALLES Rudy
Ms	REISSMANN	Denmark / Danemark	
M.	SCHWALLER Urs	Switzerland / Suisse	M. COMTE Raphaël
Ms	VÁHALOVÁ Dana	Czech Republic / République tchèque	
Mr	VAKSDAL Øyvind	Norway / Norvège	
Mr	VARVITSIOTIS Miltiadis	Greece / Grèce	Mr DENDIAS Nikolaos
Mr	VITALI Luigi	Italy / Italie	Mme BUGNANO Patrizia
Mr	de VRIES Klaas	Netherlands / Pays-Bas	Mr OMTZIGT Pieter
Mr	WADEPHUL Johann	Germany / Allemagne	Ms HÜBINGER Anette
ZZ...			
ZZ...			

Ex officio:

Mr CHOPE Christopher (United Kingdom / Royaume-Uni), Chairperson of the Committee on Legal Affairs and Human Rights
Président de la Commission des questions juridiques et des droits de l'homme

iii. Sub-Committee on Rule of Law
Sous-commission sur la prééminence de droit

(to be constituted at the meeting on 12 March 2012 / sera constituée à la réunion du 12 mars 2012)

iv. Sub-Committee on the Election of Judges to the European Court of Human Rights
Sous-commission sur l'élection des juges à la Cour européenne des droits de l'homme

Group of the European People's Party (EPP/CD) / Groupe du Parti populaire européen (PPE/DC)

Titular members / Titulaires

Mr	CONDE BAJÉN Agustín	Spain / Espagne
M.	GARDETTO Jean-Charles	Monaco
Mr	SASI Kimmo	Finland / Finlande
Mr	WADEPHUL Johann	Germany / Allemagne
Ms	WOHLWEND Renate, <i>Vice-Chairperson / Vice-Présidente</i>	Liechtenstein
ZZ...		

Alternates / Remplaçants

M.	BLUM Roland	France
Mr	FRUNDA György	Romania / Roumanie
Mr	VITALI Luigi	Italy / Italie
ZZ...		
ZZ...		
ZZ...		

Socialist Group (SOC) / Groupe Socialiste

Titular members / Titulaires

Mr	CILEVIČS Boriss	Latvia / Lettonie
Mme	ERR Lydie	Luxembourg
M.	MARCENARO Pietro	Italy / Italie
Mr	STRÄSSER Christoph	Germany / Allemagne
Mr	de VRIES Klaas, <i>Chairperson / Président</i>	Netherlands / Pays-Bas
Ms	VUČKOVIĆ Nataša	Serbia / Serbie

Alternates / Remplaçants

Mr	DÍAZ TEJERA Arcadio	Spain / Espagne
Mr	PANTIRU Tudor	Romania / Roumanie
Mme	ROSEIRA Maria de Belém	Portugal
M.	MAHOUX Philippe	Belgium / Belgique
Mme	KARAMANLI Marietta	France
Mr	KOÇ Haluk	Turkey/ Turquie

Alliance of Liberals and Democrats for Europe (ALDE) / Alliance des Démocrates et des Libéraux pour l'Europe (ADLE)Titular members / Titulaires

M.	HOLOVATY Serhiy	Ukraine
Ms	REPS Mailis	Estonia / Estonie

Alternates / Remplaçants

Ms	BECK Marieluise	Germany / Allemagne
Ms	SCHUSTER Marina	Germany / Allemagne

European Democrat Group (EDG) / Groupe démocrate européen (GDE)Titular members / Titulaires

Mr	HEALD Oliver	United Kingdom / Royaume-Uni
Mr	DAVITAIA Paata	Georgia / Géorgie

Alternates / Remplaçants

Mr	ALEXSANDROV Alexey	Russian Federation/ Fédération de Russie
ZZ...		

Group of the Unified European Left (UEL) / Groupe pour la Gauche unitaire européenne (GUE)Titular member / Titulaire

Ms	BACKMAN Þuríður	Iceland / Islande
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Alternate / Remplaçant

Mr	LOUKAIDES George	Cyprus / Chypre
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Ex officio:

Mr CHOPE Christopher (United Kingdom / Royaume-Uni), Chairperson of the Committee on Legal Affairs and Human Rights
Président de la Commission des questions juridiques et des droits de l'homme