



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

SECRETARIAT

3 May 2012
Synopsis AS/Jur No 2012/ 03

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

Synopsis of the meeting held in Strasbourg from 24 to 26 April 2012

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

- **On Tuesday 24 April 2012 at 8.30**, with Mr Christopher Chope (United Kingdom, EDG), in the Chair, as regards:
 - ***Keeping political and criminal responsibility separate*** (*Rapporteur: Mr Peter Omtzigt, Netherlands, EPP/CD*): considered an introductory memorandum presented by the Chair in the absence of Mr Omtzigt; decided to request an Opinion from the Venice Commission on the constitutional aspects of this issue and authorised the Rapporteur to launch an ECPRD request to obtain information on relevant legislation in member states, and to hold a hearing with two legal experts at its meeting on 21 May 2012;
 - ***The accession of non-member states to the Council of Europe conventions*** (*Rapporteur: Mr Rafael Huseynov, Azerbaijan, ALDE*): considered an introductory memorandum and agreed to a change of title to "The participation of non-member states in Council of Europe conventions" and authorised a hearing with experts at a forthcoming meeting;
 - ***World Forum for Democracy*** (5-11 October 2012, Strasbourg): nominated the following members to take part in the Ad hoc Committee of the Bureau to participate in the Forum:
 - Mr Mevlüt Çavuşoğlu (Turkey, EDG)
 - Mr Tamás Gaudi Nagy (Hungary, NR)
 - Mr Rafael Huseynov (Azerbaijan, ALDE)
 - Ms Elena Nikolaeva (Russian Federation, EDG)
 - Mr Jordi Xucla (Spain, ALDE)
 - ***High Level Conference on the future of the European Court of Human Rights, Brighton, 18-20 April 2012*** : heard a statement by the secretariat on the salient points drawn from the High Level Conference at Brighton;
- **on Tuesday 24 April 2012 at 2pm** as regards:
 - ***Replies from the Committee of Ministers to recommendations emanating from the Committee:*** took note of the replies to the following recommendations: "The necessity to take additional international legal steps to deal with sea piracy", "Reinforcing the effectiveness of Council of Europe treaty law", "The need for a global consideration of the human rights implications of biometrics" and "Strengthening torture prevention mechanisms in Europe";

- **Appointment of Rapporteurs:**

- Accountability of international institutions for human rights violations: appointed Mr José María Beneyto, (Spain, EPP/CD)
- The European Convention on Human Rights: reinforcement and consolidation of the training of judges, law enforcement officials and lawyers: appointed Mr Jean-Pierre Michel, (France, SOC)
- Abuse of pre-trial detention in States Parties to the European Convention on Human Rights: appointed Mr Pedro Agramunt, (Spain, EPP/CD)
- Measures to improve the democratic character of elections in Council of Europe member states (re-appointment of a Rapporteur, for Opinion, following the departure of the previous Rapporteur, Mr Markov (Russian Federation, EDG), from the Assembly): appointed Mr Michael McNamara, (Ireland, SOC);

- **Revisiting the issue of political prisoners:** took note of the information provided by the Chairperson on the lack of agreement between the Rapporteur and the head of the Azerbaijani delegation about the scope of the fact-finding visit to Azerbaijan planned for the first week of May 2012 and took note that the Rapporteur would present his report for adoption at the committee meeting during the June 2012 part-session without having to visit Baku;

- **Hearing: Implementation of Strasbourg Court judgments by Italy:** hearing held in the context of two reports “Implementation of judgments of the European Court of Human Rights” (*Rapporteur: Mr Klaas de Vries, Netherlands, SOC*) and “Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties” (*Rapporteur: Mr Serhii Kivalov, Ukraine, EDG*): held a hearing with head of the Italian delegation, Mr Luigi Vitali;

- **on Thursday 26 April 2012 at 8.30am**, as regards:

- **Exchange of views with Mr Nils Muižnieks, Council of Europe Commissioner for Human Rights:** heard a statement by the new Commissioner on the main issues he wishes to focus on during the course of his mandate and held an exchange of views with him on that subject;

- **Other business**

- approved the candidatures of Ms Renate Wohlwend (Liechtenstein, EPP/CD) and Mr Pedro Agramunt (Spain, EPP/CD) as members of the Sub-Committee on the Rule of Law;
- approved the candidature of Mr Younal Loutfi (Bulgaria, ALDE) as a member of the Sub-Committee on Human Rights;
- approved the candidature of Mr Roman Jakić (Slovenia, ALDE) as a member of the Sub-Committee on Crime Problems and the Fight against Terrorism;
- hearings on the Implementation of Strasbourg Court judgments with respect to Bulgaria, Romania and the Russian Federation: agreed to hold further country specific hearings for these countries during the June part-session 2012;
- extension of the validity of the reference regarding “Threats to the Rule of Law in the Council of Europe member states : asserting the Parliamentary Assembly’s authority”: agreed to request an extension from the Bureau until 30 June 2013;
- confirmation of Rapporteurships: following the Bureau’s decision to end permanent rapporteurships, confirmed Mr Klaas de Vries (Netherlands, SOC) as the current Rapporteur for “Implementation of judgments of the European Court of Human Rights” and Ms Mailis Reps (Estonia, ALDE) as the current Rapporteur for “The situation of human rights defenders in Council of Europe member states”;
- Conference on Security and Right to Information, Copenhagen, end September 2012: agreed to the participation of Mr Arcadio Díaz Tejera (Spain, SOC), subject to the availability of funds;
- Seminar on Constitutional Design – Venice Commission – Helsinki 21-22 May 2012: agreed to the participation of Mr Serhiy Holovaty (Ukraine, ALDE), subject to the availability of funds;

- **Participation of members in conferences, meetings, seminars etc:** heard reports by the following representatives:
 - Mr Oliver Heald: Group of States against Corruption (GRECO), Strasbourg, 20-23 March 2012
 - Mr Serhiy Holovaty: European Commission for Democracy through Law (Venice Commission), Venice, 16-17 March 2012
- **Hearing: Implementation of Strasbourg Court judgments by Ukraine:** hearing held in the context of two reports "Implementation of judgments to the European Court of Human Rights (*Rapporteur: Mr Klaas de Vries, Netherlands, SOC*) and "Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties (*Rapporteur: Mr Serhii Kivalov, Ukraine, ADLE*): held a hearing with head of the Ukrainian delegation, Mr Ivan Popescu;
- **Thursday 26 April 2012 at 2pm**, as regards:
- **Reinforcing the selection processes of experts of the monitoring mechanisms of the Council of Europe** (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*): held a meeting in conjunction with the Committee on Equality and Non-Discrimination with the participation of Mr Jenö Kaltenbach (Chair of ECRI), Mr Trevor Stevens (Executive Secretary of the CPT), and Ms Marieke Sanders (member of the Advisory Committee of the Framework Convention for the Protection of National Minorities);
- **Next meetings:** confirmed the meeting in Paris on 6 September 2012;

Plenary Committee:

- Paris, 21 May 2012, 9am – 12.30pm (Council of Europe Office)
- Strasbourg, during the Assembly's 3rd part session of 2012 (25-29 June 2012)
- Paris, 6 September 2012, 9am - 5.30pm (Council of Europe Office)
- Strasbourg, during the Assembly's 4th part session of 2012 (1-5 October 2012)
- Paris, 12 November 2012, 9am - 5.30pm (Council of Europe Office)(to be confirmed)
- Paris, 11 December 2012, 9am - 5.30pm (Council of Europe Office)(to be confirmed)

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

- Paris, 13-15 June 2012 (Council of Europe Office)

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 25 April 2012 at 2pm, with Mr Serhiy Holovaty (Ukraine, ALDE), oldest member present, 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;
- **Next meeting:** during the June 2012 part-session

The Sub-Committee on the Rule of Law (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 25 April 2012 at 2.10pm, with Mr György Frunda (Romania, EPP/CD), oldest member present, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Mr Serhiy Holovaty (Ukraine, ALDE) Chairperson by acclamation and Mr Michael McNamara (Ireland, SOC) Vice-Chairperson by acclamation;
- **Next meeting:** left it to the Chairperson to convene the next meeting.

The Sub-Committee on Crime Problems and the Fight against Terrorism (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 25 April 2012 at 2.20pm, with Ms Marietta Pourbaix-Lundin (Sweden, EPP/CD) in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Mr Øyvind Vaksdal (Norway, EDG) Vice-Chairperson by acclamation;
- **Work Programme:** decided to focus on the subject of pre-trial detention over the next year
- **Next meeting:** decided to hold its next meeting during the June 2012 part-session

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