



SECRETARIAT

AS/Jur/ (2012) CB 09 rev.

14 December 2012

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

Synopsis of the meeting held in Paris on 11 December 2012

The Committee on Legal Affairs and Human Rights, meeting in Paris on 11 December 2012 with Mr Christopher Chope (*United Kingdom, EDG*) in the Chair, as regards:

- **Reinforcing the selection processes of experts of key Council of Europe human rights monitoring mechanisms** (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*): considered a draft report and unanimously adopted a draft resolution and a draft recommendation and agreed to change the title from “Reinforcing the selection processes of experts of the monitoring mechanisms of the Council of Europe” to the title above;
- **Review of Council of Europe Conventions – Report by the Secretary General**: held an exchange of views with Ambassador Charles-Edouard Held, Permanent Representative of Switzerland to the Council of Europe, Chairperson of the Ministers’ Deputies Rapporteur Group on Legal Co-operation (GR-J);
- **Measures to prevent abusive use of the Convention on the Transfer of Sentenced Persons (ETS No. 112)** (*Rapporteur: Mr Renato Farina, Italy, EPP/CD*): held an exchange of views with Ms Anita van de Kar-Bachelet, Secretary to the Council of Europe’s Committee of experts on the operation of European conventions on co-operation in criminal matters (PC-OC), and decided to designate a representative of the Committee to take part in the November 2013 meeting of the PC-OC when this subject is on the PC-OC’s agenda (Chairman’s action, subject to availability of funds) ;
- **The participation of non-member states in Council of Europe conventions** (*Rapporteur: Mr Rafael Huseynov, Azerbaijan, ALDE*): held a hearing with the participation of:

Mr Guy de Vel, former Director General of Legal Affairs, Council of Europe

Mr Rolf Einar Fife, Director General, Department for Legal Affairs, Ministry for Foreign Affairs, Norway;

- **The effectiveness of the European Convention on Human Rights: the Brighton declaration and beyond** (*Rapporteur: Mr Yves Pozzo di Borgo, France, EPP/CD*): considered a background memorandum prepared by the Secretariat upon the Rapporteur’s instructions and agreed to change the title from “The future of the European Court of Human Rights and the Brighton Declaration” to the title above;
- **Other business**
 - **Request to the Venice Commission regarding compatibility of laws with Council of Europe principles**: agreed to the request by Mrs Marieluise Beck (Germany, ALDE), Rapporteur for “Threats to the Rule of Law in Council of Europe member states: asserting the Parliamentary Assembly’s authority” and Mr György Frunda (Romania, EPP/CD), Rapporteur for “Strengthening the protection and role of human rights defenders in Council of Europe states” to seize the Venice Commission for an opinion on two recent Russian laws: the law on Non-Commercial Organisations, adopted on 13 July 2012, requiring collaborators of NGOs receiving funding from abroad to register as “foreign agents” and the law on Treason and Espionage of 23

October 2012, widening the scope of the criminal provisions on “treason”;

- Following the decision to merge the two references on *the “European Convention on Nationality”* and *“Access to Nationality”* (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*) the Committee decided on a new title for the joint report, namely, *“Access to nationality and the effective implementation of the European Convention on Nationality”*;
- *National security and access to information* (*Rapporteur M. Arcadio Diaz Tejera, (Spain, SOC)*): agreed to the request of the Rapporteur to ask the Bureau for an extension of the deadline of this reference until 30 June 2013 in order to incorporate new information to be provided by the Venice Commission on this matter;
- *Hearing on “Corruption as a threat to the Rule of Law”*: agreed to a request by Mrs Mailis Reps, Rapporteur (*Estonia, ALDE*) to invite experts to the hearing on this subject on 19 March 2013;
- Agreed to a proposal by the Chairperson of the Italian delegation, Mr Luigi Vitali (*EPP/CD*) that the Italian Minister of Justice, Ms Paola Severino, be invited to speak at the debate on “Ensuring the viability of the Strasbourg Court: structural deficiencies in States parties” (*Rapporteur: Mr Serhii Kivalov, Ukraine EDG*) during the January 2013 part-session; authorised Mr. Vitali, at his request, to circulate a questionnaire concerning his mandate as Rapporteur on “Promoting the Human Rights of Prisoners in Council of Europe member States”.

- **Promoting alternatives to imprisonment** (*Rapporteur: Ms Nataša Vučković, Serbia, SOC*): held a hearing with the participation of:

Dr Jovan Ćirić, Director of the Institute of Comparative Law, Belgrade, Serbia
Professor Dr Marcelo Aebi, Deputy Director, Faculty of Criminal Science, University of Lausanne, Switzerland; and

authorised the Rapporteur to carry out a fact-finding visit to the United Kingdom.

- **Appointment of rapporteurs :**

- i. *Administrative detention*: appointed Mr Roman Jakić, (*Slovenia, ALDE*)
- ii. *Need to reinforce the independence of the European Court of Human Rights*: appointed Mr Boriss Cilevičs, (*Latvia, SOC*)
- iii. *The right to internet access (opinion)*: appointed Mr Jordi Xuclà (*Spain, ALDE*);

- **National security and access to information** (*Rapporteur: Mr Arcadio Díaz Tejera, Spain, SOC*): held a hearing with:

Lord Alexander Carlile, House of Lords, Barrister-in-Law QC, former Independent Reviewer of Terrorism Legislation, London (via live video link)

Ms Sandra Coliver, Senior Legal Officer, Freedom of Information and Expression, Open Society Justice Initiative, New York

Ms Susana Sánchez Ferro, Professor of Constitutional Law, Autonomous University of Madrid;

- **Next meetings**: confirmed the meeting to be held in Paris on 19 March 2013.

Plenary Committee:

- Strasbourg, during the Assembly’s 1st part-session of 2013 (21-25 January 2013)
- Paris, 19 March 2013 (Council of Europe Office)
- Strasbourg, during the Assembly’s 2nd part-session of 2013 (22-26 April 2013)
- Paris, 28 May 2013 (Council of Europe Office) tbc
- Strasbourg, during the Assembly’s 3rd part-session of 2013 (24-28 June 2013)
- Paris, 4 September 2013 (Council of Europe Office) tbc
- Strasbourg, during the Assembly’s 4th part-session of 2013 (30 September – 4 October 2013)
- Paris, 6 November 2013 (Council of Europe Office) tbc
- Paris, 12 December 2013 (Council of Europe Office) tbc

Andrew Drzemczewski, Günter Schirmer, Agnieszka Szklanna

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