



SECRETARIAT

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4 February 2014

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

Synopsis of the meeting held in Strasbourg from 27-30 January 2014

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 27 to 30 January 2014:

- **on Monday 27 January 2014 at 2pm**, with Mr Jean-Pierre Michel (France, SOC), oldest member present, then Mr James Clappison (United Kingdom, EDG), in the Chair, as regards:
 - **Election of the Bureau of the Committee:** elected, by acclamation, Mr James Clappison (United Kingdom, EDG) as Chairperson, and Mr Michael McNamara (Ireland, SOC), Ms Mailis Reps (Estonia, ALDE), and Ms Marietta de Pourbaix-Lundin (Sweden, EPP/CD) as 1st, 2nd and 3rd Vice-Chairpersons, respectively;
 - **Reconstitution of sub-committees:** agreed to re-constitute the Committee's four sub-committees, namely:
 - i. Sub-Committee on the Election of Judges to the European Court of Human Rights
 - ii. Sub-Committee on Crime Problems and the Fight against Terrorism
 - iii. Sub-Committee on Human Rights
 - iv. Sub-Committee on Rule of Law
 - **Refusing impunity for the killers of Sergei Magnitsky** (*Rapporteur Mr Andreas Gross, Switzerland, SOC*): adopted a draft recommendation and approved an addendum to the report;
 - **Evaluation of the partnership for democracy in respect of the Palestinian National Council** (*Rapporteur for opinion: Mr Şaban Dişli, Turkey, EPP/DC*): the Rapporteur for opinion presented an oral opinion and the Committee agreed to table one amendment proposed by the Rapporteur to the report by Committee on Political Affairs and Democracy;
- **on Tuesday 28 January 2014 at 8.30am**, as regards:
 - **Refusing impunity for the killers of Sergei Magnitsky** (*Rapporteur Mr Andreas Gross, Switzerland, SOC*): took position on 23 amendments to the draft resolution;
 - **Strengthening the protection and role of human rights defenders in Council of Europe member states** (*Rapporteur: Ms Mailis Reps, Estonia, ALDE*) considered an information memorandum about the situation of human rights defenders in the South Caucasus region (Armenia, Azerbaijan and Georgia) and held an exchange of views with Mr Gerald Staberock, Secretary General of the World Organisation Against Torture. Agreed to declassify the information memorandum;
 - **"Massive Eavesdropping" and "Additional protocol to the European Convention on Human Rights on the protection of whistle-blowers who disclose governmental action violating international law and fundamental rights"** (*Rapporteur Mr Pieter Omtzigt, Netherlands, EPP/CD*): considered an introductory memorandum covering both subjects. Agreed to change the title of the first

report from “Massive Eavesdropping” to “Massive Surveillance” (in the English title only). Agreed to organise a hearing during the April 2014 part-session with the participation of Mr Edward Snowden (either in person or by video link) and other experts proposed by the rapporteur and to invite a legal expert. Agreed to change the title of the second report to “Improving the protection of whistleblowers” and to organise a hearing during the April 2014 part-session with experts as proposed by the Rapporteur. Agreed to declassify the introductory memorandum; authorised the Rapporteur to consult with a technical expert, subject to availability of funds.

- **Composition of the Sub-committees:** approved the composition of the Committee’s four Sub-committees (see appendix);
- **on Thursday 30 January 2014 at 9 am, as regards:**
 - **Sub-Committee on Human Rights:** heard a statement by the Chair with regard to the Sub-Committee’s meeting held in Strasbourg on 29 January 2014 and endorsed the proposals of the Sub-Committee concerning the list of candidates to the European Committee for the Prevention of Torture (CPT) submitted by the parliamentary delegations of Bosnia and Herzegovina, Liechtenstein, Sweden, Turkey and the United Kingdom;
 - **Appointment of rapporteurs:**
 - **General Rapporteur on the Death Penalty:** appointed Ms Marietta Karamanli (France, SOC) following the departure of Ms Marina Schuster (Germany, ALDE) from the Assembly;
 - **Evaluation of the partnership for democracy with the Parliament of Morocco (for opinion)** Rapporteur for the Committee on Political Affairs and Democracy: Mr Bogdan Klich, Poland, EPP/CD) : appointed Mr Jordi Xuclà (Spain, ALDE) as rapporteur for opinion;
 - **Appointment of representatives of the Committee:** appointed representatives to the following bodies for 2014 as follows and agreed to return to the point to complete the nominations that afternoon:
 - i. European Commission for Democracy through Law ("Venice Commission")
Mr Christopher Chope (United Kingdom, EDG) – titular member
Mr Arcadio Díaz Tejera (Spain, SOC) – substitute
 - ii. Council for Democratic Elections (of the Venice Commission)
Mr Andreas Gross (Switzerland, SOC) – titular member
 - iii. Group of States against Corruption (GRECO)
Mr Robert Neill (United Kingdom, EDG) – titular member
 - iv. Moneyval
Mr Pieter Omtzigt (Netherlands, EPP/CD)- titular member
 - **Other business:**
 - **Urgent need to deal with new failures to co-operate with the European Court of Human Rights** (Rapporteur: Mr Kimmo Sasi, Finland, EPP/CD): agreed to the Rapporteur’s proposal to request delegations of countries cited in the report as having problems to submit further explanations and noted the Rapporteur’s intention to revert back to this subject at the Committee’s meeting on 3 March 2014;
 - **Need to reinforce the independence of the European Court of Human Rights** (Rapporteur: Mr Boriss Cilevičs, Latvia, SOC): agreed to the Rapporteur’s proposal to write to the delegations of Azerbaijan, Portugal and San Marino to seek explanation as to why these countries have not ratified the 6th Protocol of the Council of Europe’s General Agreement on Privileges and Immunities;
 - **Extension of references:** agreed to request the Bureau for the extension of references of the reports on “Witness protection as an indispensable tool in the fight against organised crime and terrorism in Europe” (Rapporteur: Mr Arcadio Díaz Tejera, Spain, SOC) and “The effectiveness of the European Convention on Human Rights: the Brighton declaration and beyond” (Rapporteur: Mr Yves Pozzo di Borgo, France, EPP/CD), both until 31 December 2014;

- **Conference on “The value of Europe, Growth, employment and rights: a test for the European Union” Rome, 13-14 March 2014:** designated Mr Christopher Chope (United Kingdom, EDG), Mr Andreas Gross (Switzerland, SOC) and Mr Michael McNamara (Ireland, SOC), to participate in this conference on behalf of the Parliamentary Assembly, subject to the availability of funds;
- **Vaclav Havel Human Rights Prize** – took note of the call for nominations and the deadline for candidatures on 30 April 2014;
- **Joint hearing with Committee on Equality and Non-Discrimination on “Discrimination on grounds of sexual orientation and gender identity – implementation of Strasbourg Court judgments:** held a joint hearing with the participation of Judge André Potocki, judge at the European Court of Human Rights and Mr Nigel Warner, ILGA–Europe Council of Europe advisor;
- **on Thursday 30 January 2014 at 2pm, with Ms Mailis Reps (Estonia, ALDE) in the Chair as regards:**
 - **Revision of the European Convention on Transfrontier Television (Rapporteur: Mr James Clappison, United Kingdom, EDG):** took position on 7 amendments to the draft resolution and draft recommendation;
 - **The accountability of international organisations for human rights violations (Rapporteur: Mr José María Beneyto, Spain, EPP/CD):** took position on 7 amendments to the draft resolution and draft recommendation;

With Mr James Clappison (United Kingdom, EDG), in the Chair,

 - **The European Convention on Human Rights: reinforcement and consolidation of the training of judges, law enforcement officials and lawyers (Rapporteur: Mr Jean-Pierre Michel, France, SOC):** considered a draft report and unanimously adopted a draft resolution and a draft recommendation. Agreed to change the title of the report to “ECHR : need to reinforce the training of legal professionals”;
 - **Appointment of representatives of the Committee (continuation):** appointed representatives to the following bodies for 2014 as follows:
 - Council for Democratic Elections (of the Venice Commission)
Mr Michael McNamara (Ireland, SOC) - Substitute
 - Group of States against Corruption (GRECO)
Mr Kimmo Sasi (Finland, EPP/CD) - Substitute
 - Moneyval
Mr Johannes Hübner (Austria, NR) – Substitute
- **Other business (continuation)**
 - **Joint hearing on “The need to eliminate Statelessness” (April 2014 part-session):** heard a presentation by the new Representative of the United Nations High Commissioner for Refugees (UNHCR) to the European Institutions in Strasbourg, Mr Gerhart Westerveen, and took note of the forthcoming hearing on statelessness to be jointly organised by UNHCR, the Committee on Migration, Refugees and Displaced Persons and the Committee on Legal Affairs and Human Rights on 9 April 2014;
 - **Work programme:** took note of the Committee’s work programme for 2014;
 - **Next meetings:** took note of the forthcoming meetings of the Committee as follows:

Plenary Committee:

- Paris, 3 March 2014 (Council of Europe Office)
- Strasbourg, during the Assembly's 2nd part-session of 2014 (7-11 April 2014)
- Helsinki, Finland, 26-27 May 2014 (Finnish Parliament): the meeting will start in the afternoon of 26.05.2014
- Strasbourg, during the Assembly's 3rd part-session of 2014 (23-27 June 2014)
- Paris, 2 September 2014 (Council of Europe Office) tbc
- Strasbourg, during the Assembly's 4th part-session of 2014 (29 September – 3 October 2014)
- Paris, 4 November 2014 (Council of Europe Office) tbc
- Paris, 10 December 2014 (Council of Europe Office) tbc

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

- Paris, 4 March 2014 (Council of Europe Office) tbc

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 28 January 2014 at 2pm, with Mr Christopher Chope (United Kingdom, EDG), oldest member present, then Ms Meritxell Mateu Pi (Andorra, ALDE), in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Ms Meritxell Mateu Pi (Andorra, ALDE), Chairperson and Mr Arcadio Díaz Tejera (Spain, SOC) Vice-Chairperson, both by acclamation;
- **Next meeting:** Wednesday 29 January 2014 at 2pm.

Sub-Committee on Crime Problems and the Fight against Terrorism (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 28 January 2014 at 2.10pm, with Mr Klaas de Vries (Netherlands, SOC), oldest member present in the Chair, then Mr Yves Pozzo di Borgo (France, EPP/CD) as regards:

- **Election of the Sub-Committee's Bureau:** elected Mr Yves Pozzo di Borgo (France, EPP/CD) Chairperson and Mr Johannes Hübner (Austria, NR) Vice-Chairperson, both by acclamation;
- **Next meeting:** left it to the Chairperson to convene the next meeting.

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 28 January 2014 at 2.20pm, with Mr Klaas de Vries (Netherlands, SOC), oldest member present in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Lord John E. Tomlinson (United Kingdom, SOC) Chairperson by secret ballot and Mr Christopher Chope (United Kingdom, EDG), Vice-Chairperson by acclamation;
- **Next meeting:** 4 March 2014 (Council of Europe Office, Paris) tbc

The Sub-Committee on the Rule of Law (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 28 January 2014 at 2.30pm, with Mr Christopher Chope (United Kingdom, EDG), oldest member present, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** decided to postpone this decision until the next part-session
- **Next meeting:** during the Assembly's April 2014 part-session

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 29 January 2014 at 2pm, with Ms Meritxell Mateu Pi (Andorra, ALDE), 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 Bosnia and Herzegovina, Liechtenstein, Sweden, Turkey and the United Kingdom;
- **Work programme:** held an exchange of views and considered the possibility of integrating an exchange of views on National Preventive Mechanisms within the framework of the plenary meeting in Helsinki in May 2014. Considered following up, in the autumn, the situation of the treatment of persons held in detention in certain member states (stemming from the report on Sergei Magnitsky and a previous hearing on the situation in Greece);
- **Seminar on the role of national parliaments in the implementation of judgements of the European Court of Human Rights:** took note of the seminar to be held in Warsaw on 13 February 2014 and encouraged interested members to contact the Parliamentary Project Support Division if they wished to participate;
- **Next meeting:** during the Assembly's April 2014 part-session.

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

Appendix / Annexe
Composition of Sub-Committees
Composition des sous-commissions

Sub-Committee on Human Rights (28 seats)
Sous-commission des Droits de l'Homme (28 sièges)

List of members
Liste des membres

Titular member / Membre titulaire

Alternate member / Membre remplaçant

Ms	MATEU PI Meritxell(Chairperson / Président)	Andorra/Andorre		
Mr	DÍAZ TEJERA Arcadio (Vice Chairperson / Vice-Président)	Spain/ Espagne		
Mr	CHIUARIU Tudor	Romania/Roumanie		
Mr	CORREIA Telmo	Portugal/Portugal	Mme	ROSEIRA Maria de Belém
Mr	DÍAZ TEJERA Arcadio	Spain/ Espagne		
Mr	DİŞLİ Şaban	Turkey/Turquie		
Mme	FRESKO-ROLFO Béatrice	Monaco		
Mr	GOZI Sandro	Italy/Italie	Ms	BERNINI Anna Maria
Mr	GUNNARSON Jonas	Sweden/Suède		
Ms	HETTO-GAASCH Françoise	Luxembourg		
Ms	HOVHANNISYAN	Armenia / Arménie		
Ms	HÜBINGER Anette	Germany/Allemagne	Mr	WADEPUHL Johann
Mr	HUSEYNOV Rafael	Azerbaijan/Azerbaïdjan		
Ms	JONICA, Snezana	Montenegro/Monténégro		
Ms	KAPETANOVIĆ Nermina	Bosnia and Herzegovina/ Bosnie-Herzégovine		
Ms	LIBINA-EGNERE Inese	Latvia/Lettonie	Mr	CILEVIČS Boriss
Ms	LOKLINDT Lone	Denmark/ Danemark		
Ms	MATEU PI Meritxell	Andorra/Andorre		
Mr	McNAMARA Michael	Ireland/Irlande	Ms	ZAPPONE Katherine
M.	NACHBAR Philippe	France	M.	ROCHEBLOINE François
Mr	NEILL Robert	United Kingdom / Royaume-Uni	Mr	CHOPE Christopher
Mr	NICOLAIDES Nicos	Cyprus/Chypre	Mr	LOUCAIDES George
M.	RECORDON Luc	Switzerland/Suisse	Mr	GROSS Andreas
Ms	RENNER Martina	Germany / Allemagne		
Ms	REPS Mailis	Estonia/Estonie		
Mr	SASI Kimmo	Finland/Finlande		
Ms	TAKTAKISHVILI, Chiora	Georgia / Géorgie	Ms	BESELIA Eka
Mr	TRIANAFYLLOS Konstantinos	Greece/Grèce	Mr	MARIAS Epameinondas
Mme	van VAERENBERGH Kristien	Belgium/Belgique	Ms	DUMERY Daphné
Mr	WACH Piotr	Poland/ Pologne		

ex officio: Mr Clappison

United Kingdom/Royaume-Uni

Sub-Committee on Crime Problems and the Fight against Terrorism (28 seats)
Sous-commission sur les problèmes criminels et la lutte contre le terrorisme (28 sièges)

List of members
Liste des membres

Titular member /
Membre titulaire

Alternate member /
Membre remplaçant

M. POZZO di BORGIO Yves ((Chairperson/ France
Vice-président)

Mr HÜBNER Johannes (Vice Chairperson/ Austria / Autriche
Vice-Président)

Baroness BUSCOMBE

M. CONDE BAJÉN Agustin

Mr CORREIA Telmo

Mr CROSIO Jonny

M. HENRY, Olivier

Ms HÜBINGER Anette

Mr HÜBNER Johannes

Mr HUSEYNOV Rafael

Mr KAIKKONEN Antti

Mr KAMIŃSKI, Mariusz

Ms KANELLI Liana

Mr KOÇ Haluk

Ms MARKOVIC, Milica

Ms MILADINOVIC Stefana

Mr NICOLAIDES Nicos

Ms de POURBAIX-LUNDIN Marietta

M. POZZO di BORGIO Yves

Mr PYLYPENKO Volodymyr

Mr RUSTAMYAN Armen

M. SCHWALLER, Urs

Ms TOMC Romana

Mr De VRIES Klaas

Mr ULLRICH Volker

Ms VUKSANOVIC Draginja

Ms ZAPPONE Katherine

United Kingdom/ Royaume-Uni

Spain / Espagne

Portugal

Italy/ Italie

Belgium / Belgique

Germany / Allemagne

Austria / Autriche

Azerbaijan/ Azerbaïdjan

Finland / Finlande

Poland/Pologne

Greece / Grèce

Turkey/ Turquie

Bosnia and Herzegovina/
 Bosnie-Herzégovine

Serbia / Serbie

Cyprus / Chypre

Sweden / Suède

France

Ukraine

Armenia / Arménie

Switzerland / Suisse

Slovenia/Slovénie

Netherlands / Pays-Bas

Germany/ Allemagne

Montenegro / Monténégro

Ireland / Irlande

Mr NEILL Robert

M. DÍAZ TEJERA Arcadio

Mr D'ALLESANDRO Luca

Mr MAHOUX Philippe

Mr WADEPHUL Johann

Mr TZAVARAS Konstantinos

Mr LOUCAIDES George

M. SALLES, Rudy

M. COMTE, Raphaël

Mr VAN DIJK Peter

ex officio: Mr Clappison

United Kingdom/Royaume-Uni

Sub-Committee on Rule of Law (28 seats)
Sous-commission sur la prééminence du droit (28 sièges)

List of members
Liste des membres

Titular member /
Membre titulaire

Alternate member /
Membre remplaçant

ZZ (Chairperson/Président)

ZZ (Vice-Chairperson/Vice-Président)

Mr	AGRAMUNT, Pedro	Spain / Espagne	
Ms	BESELIA Eka	Georgia/Géorgie	
Ms	BULAJIC Svetislava	Serbia / Serbie	
Mr	CHIURIU, Tudor	Romania/Romanie	
Mr	HÜBNER Johannes	Austria / Autriche	
Ms	JONICA, Snezana	Montenegro/Monténégro	
Ms	KAPETANOVIC Nermina	Bosnia and Herzegovina/ Bosnie-Herzégovine	
Mme	KARAMANLI Marietta	France	M. MICHEL Jean-Pierre
Mr	KENNEDY Charles	United Kingdom / Royaume-Uni	Mr LEIGH Edward
Mr	LE BORGN' Pierre-Yves	France	
Ms	LĪBIŅA-EGNERE Inese	Latvia / Lettonie	Mr CILEVIČS Boriss
M.	MAHOUX Philippe	Belgium / Belgique	
Mr	McNAMARA Michael	Ireland/ Irlande	
Mr	NICOLETTI	Italy/Italie	Ms BERTUZZI Teresa
Mr	OMTZIGT Pieter	Netherlands / Pays-Bas	
Mr	POLČÁK Stanislav	Czech Republic / République tchèque	
Ms	de POURBAIX-LUNDIN Marietta	Sweden / Suède	
Ms	REPS Mailis	Estonia / Estonie	
Mr	ROGACKI Adam	Poland / Pologne	
Mme	ROSEIRA Maria de Belém	Portugal	
Mr	RUSTAMYAN Armen	Armenia / Arménie	
Mr	RYABIKIN Pavlo	Ukraine	
Mr	SASI Kimmo	Finland / Finlande	
Mr	SCHERAK Nikolaus	Austria / Autriche	
Mr	SELVI Ömar	Turkey / Turquie	
Mr	STOILOV Yanaki	Bulgaria / Bulgarie	
Ms	TOMC Romana	Slovenia / Slovénie	
Ms	TZAVARAS Konstantinos	Greece / Grèce	Mr MARIAS Epameinondas

ex officio : Mr Clappison

United Kingdom/Royaume-Uni

Sub-Committee on the Election of Judges to the European Court of Human Rights (17 seats)
Sous-commission sur l'élection des juges à la Cour européenne des droits de l'homme (17 sièges)

List of members of the Sub-Committee
Liste des membres de la sous-commission

Chairperson / Président

Lord John TOMLINSON United Kingdom / Royaume-Uni

Vice-Chairperson / Vice-Président

Mr Christopher CHOPE United Kingdom / Royaume-Uni

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

Titular members / Titulaires

Mr Agustín CONDE BAJÉN Spain / Espagne
Mr Valeriu GHILETCHI Republic of Moldova / République de Moldova
Ms Inese LĪBIŅA-EGNERE Latvia / Lettonie
M. Rudy SALLES France
Mr Kimmo SASI Finland / Finlande
Mr Johann WADEPHUL Germany / Allemagne

Alternates / Remplaçants

Mr Şaban DİŞLİ Turkey / Turquie
Ms Anette HÜBINGER Germany / Allemagne
ZZ...
ZZ...
ZZ...
ZZ...

Socialist Group / Groupe Socialiste (SOC)

Titular members / Titulaires

Mr Boriss CILEVIČS Latvia / Lettonie
Mr Haluk KOÇ Turkey / Turquie
M. Luc RECORDON Switzerland / Suisse
Lord John TOMLINSON, *Chairperson* United Kingdom / Royaume-Uni
Mr Klaas de VRIES Netherlands / Pays-Bas
Ms Nataša VUČKOVIĆ Serbia / Serbie

Alternates / Remplaçants

Mr Arcadio DÍAZ TEJERA Spain / Espagne
Mr Andreas GROSS Switzerland / Suisse
Mme Marietta KARAMANLI France
M. Philippe MAHOUX Belgium / Belgique
Mr Michael McNAMARA Ireland / Irlande
Mme Maria de Belém ROSEIRA Portugal

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

Titular members / Titulaires

Ms Mailis REPS Estonia / Estonie
Mr Jordi XUCLÀ Spain / Espagne

Alternates / Remplaçants

Ms Marieluise BECK Germany / Allemagne
Ms Svetislava BULAJIĆ Serbia / Serbie

European Democrat Group (EDG) / Groupe démocrate européen (GDE)

Titular members / Titulaires

Mr Alexey ALEXSANDROV Russian Federation/ Fédération de Russie
Mr Christopher CHOPE, *Vice-Chairperson* United Kingdom / Royaume-Uni

Alternates / Remplaçants

Ms Yuliya L'OVCHKINA Ukraine
Mr Robert NEILL United Kingdom / Royaume-Uni

Group of the Unified European Left (UEL) / Groupe pour la gauche unitaire européenne (GUE)

Titular member / Titulaire

Mr Leonid KALASHNIKOV Russian Federation/ Fédération de Russie

Alternate / Remplaçant

Mr George LOUKAIDES Cyprus / Chypre

ex officio : Mr James CLAPPISON United Kingdom / Royaume-Uni