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: elected Mr Christopher Chope (United Kingdom, EDG) Chairperson, and Mr Boriss Cilēvičs (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-Videc, 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-Caucausus 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 Panţiru (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:
1. 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;
2. 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 list 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*

### i. Sub-Committee on Human Rights

*Sous-commission des droits de l’homme*

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

*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*

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

---

*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 / Finlände
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 BORGO Yves France M. SALLES Rudy
Ms REISSMANN Denmark / Danemark
M. SCHWALLER Urs Switzerland / Suisse M. COMTE Raphaël
Ms VAHALOVÁ Dana Czech Republic / République tchèque
Mr VAKSDAL Øyvind Norway / Norvège
Mr VAKSODAL Öyvind 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

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 / Finlände
Mr WADEPHUL Johann Germany / Allemagne
Ms WOHLWEND Renate, Vice-Chairperson / Vice-Présidente Liechtenstein

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

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, Chairperson / Président 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

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

Titular member / Titulaire
Ms BACKMAN Þuríður Iceland / Islande

Alternate / Remplaçant
Mr LOUKAIDES George Cyprus / Chypre

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