



COUNCIL CONSEIL
OF EUROPE DE L'EUROPE
Committee of Ministers
Comité des Ministres

Ministers' Deputies

Notes on the Agenda

(Restricted) 13 March 2012

COMPILATION OF NOTES ON THE AGENDA

**1137 meeting
(14 (9.30 a.m.) March 2012)**

Notes on the Agenda

CM/Notes/1137/1.2 13 March 2012¹



1137 Meeting, 14 March 2012

1 General questions

1.2 Preparation of forthcoming meetings

Action

To approve the draft agendas of their meetings in April 2012.

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Financing assured: YES

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Internet : <http://www.coe.int/cm>

DRAFT DECISIONS

1137th meeting – 14 March 2012**Item 1.2****Preparation of forthcoming meetings***Decisions*

The Deputies

1. approved the draft agenda for their 1139th meeting (4 (10 a.m.) April 2012), as it appears at Appendix ... to the present volume of Decisions; <see Appendix 1 to these Notes>
2. approved the draft agenda for their 1140th meeting (11 (3 p.m.) – 12 (10 a.m.) April 2012), as it appears at Appendix ... to the present volume of Decisions. <see Appendix 2 to these Notes>

Appendix 1
(item 1.2)

1139 Meeting of the Ministers' Deputies **(Strasbourg, 4 (10 a.m.) April 2012)**

Preliminary Draft Agenda

In application of the rules for the dispatch of reference documents and Notes on the Agenda, the deadlines are:
CM: 7 March 2012
Notes: 23 March 2012

1. General questions

1.1 Adoption of the agenda

(CM/Del/OJ(2012)1139)

1.2 Preparation of forthcoming meetings

1.3 Dialogue with the Secretary General and the Deputy Secretary General

(SG/Com(2012)1139)

1.4 Report of the Bureau

(CM/Bur/Del(2012)...))

1.5 Conferences of specialised ministers – State of preparation

(CM/Notes/1139/1.5 of ...)

1.6 Deputy Secretary General – Procedure for election

(CM/Notes/1139/1.6 of ...)

2. Democracy and political questions

2.1 The Council of Europe and the conflict in Georgia

(CM(2008)150 rev, CM(2008)162, SG/Inf(2008)19, DD(2008)631, SG/Inf(2009)5, SG/Inf(2009)7, CM(2009)PV prov, CM(2009)PV add1, CM(2009)PV add2, SG/Inf(2009)10, SG/Inf(2009)5 add, SG/Inf(2009)9, CM/AS(2009)Quest572, DD(2009)447, SG/Inf(2009)15 final, SG/Inf(2009)5 add2, Parliamentary Assembly REC_1846 (2008) and CM/AS(2009)Rec1846 final, Parliamentary Assembly REC_1857 (2009) and CM/AS(2009)Rec1857 final, CM(2009)164, Parliamentary Assembly REC_1869 (2009) and CM/AS(2010)Rec1869 final, DD(2010)71, DD(2010)95, SG/Inf(2010)7, SG/Inf(2010)8, DD(2010)238, CM/Del/Dec(2010)1090/2.1, SG/Inf(2010)19, DD(2010)559, SG/Inf(2011)8 and SG/Inf(2011)24)

2.1bis Current political questions

2.2 Situation in Cyprus

4. Human rights

4.1 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) – Election of members of the CPT in respect of Latvia and Montenegro **(Item to be prepared by the GR-H on 27.3.2012)**

(CM(2012)43)
(CM/Notes/1139/4.1 of 29.2.2012)

- 4.2 "The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores" – Parliamentary Assembly Recommendation 1967 (2011), "Unaccompanied children in Europe: issues of arrival, stay and return – Parliamentary Assembly Recommendation 1969 (2011) and "Asylum seekers and refugees: sharing responsibilities in Europe" – Parliamentary Assembly Recommendation 1973 (2011)
(Item prepared by the TC-ENF (for the reply to Recommendation 1969 (2011)) and to be prepared by the GR-H on 27.3.2012)

(Parliamentary Assembly 1967 (2011), Parliamentary Assembly 1969 (2011), Parliamentary Assembly 1973 (2011) and CM/AS(2012)Rec1967-1969-1973 prov)
(CM/Notes/1139/4.2 of ...)

5. **Media**

5.1 Steering Committee on the Media and New Communication Services (CDMC)

- a. Draft Recommendation CM/Rec(2012)... of the Committee of Ministers to member States on the protection of human rights with regard to search engines

(CM(2012)46)

- b. Draft Recommendation CM/Rec(2012)... of the Committee of Ministers to member States on the protection of human rights with regard to social networking services

(CM(2012)47)

- c. Draft Declaration of the Committee of Ministers on the Desirability of International Standards dealing with Forum Shopping in respect of Defamation ("libel tourism") to Ensure Freedom of Expression

(CM(2012)42)

(Item to be prepared by the GR-H on 27.3.2012)

(CM/Notes/1139/5.1 of ...)

10. **Legal questions**

10.1 European Commission for the Efficiency of Justice (CEPEJ)

- a. Abridged report of the 18th plenary meeting (Strasbourg, 7-8 December 2011)

(CM(2012)22)

- b. 2012-2013 Activity Programme of the CEPEJ

(CM(2012)22 add)

(Item prepared by the GR-J on 21.2.2012)

(CM/Notes/1139/10.1ab of 23.2.2012)

10.2 Committee of Experts on the Evaluation of anti-money laundering measures and the financing of terrorism (MONEYVAL)

a. Exchange of views with Mr Vladimir Nechaev, Chairman of Moneyval

b. Annual Report for 2011

(Item prepared by the GR-J on 21.2.2012)

(CM(2012)21 and CM(2012)21 corr (Bilingual))
(CM/Notes/1139/10.2 of 23.2.2012)

10.3 "The obligation of member and observer states of the Council of Europe to co-operate in the prosecution of war crimes" – Parliamentary Assembly Recommendation 1953 (2011)

(Item to be prepared by the GR-J on 3.4.2012)

(Parliamentary Assembly REC_1953 (2011) and CM/AS(2012)Rec1953 prov3)
(CM/Notes/1139/10.3 of ...)

11. Administration and logistics

11.1 Pension Reserve Fund – Nomination to the Management Board

(CM/Del/Dec(2012)1131/11.2)
(CM/Notes/1139/11.1 of ...)

13. Any other business

Appendix 2
(item 1.2)

1140 Meeting of the Ministers' Deputies (Strasbourg, 11 (3 p.m.) and 12 (10 a.m.) April 2012)

Preliminary Draft Agenda

In application of the rules for the dispatch of reference documents and Notes on the Agenda, the deadlines are:

CM: 14 March 2012

Notes: 30 March 2012

1. **General questions**

1.1 Adoption of the agenda

(CM/Del/OJ(2012)1140)

1.2 Preparation of forthcoming meetings

(CM/Notes/1140/1.2 of ...)

1.3 Dialogue with the Secretary General and the Deputy Secretary General

(SG/Com(2012)1140)

1.4 Report of the Bureau

(CM/Bur/Del(2012)...))

1.5 Deputy Secretary General – Interviews with candidates

(CM/Notes/1140/1.5 of ...)

2. **Democracy and political questions**

2.1 The Council of Europe and the conflict in Georgia

(CM(2008)150 rev, CM(2008)162, SG/Inf(2008)19, DD(2008)631, SG/Inf(2009)5, SG/Inf(2009)7, CM(2009)PV prov, CM(2009)PV add1, CM(2009)PV add2, SG/Inf(2009)10, SG/Inf(2009)5 add, SG/Inf(2009)9, CM/AS(2009)Quest572, DD(2009)447, SG/Inf(2009)15 final, SG/Inf(2009)5 add2, Parliamentary Assembly REC_1846 (2008) and CM/AS(2009)Rec1846 final, Parliamentary Assembly REC_1857 (2009) and CM/AS(2009)Rec1857 final, CM(2009)164, Parliamentary Assembly REC_1869 (2009) and CM/AS(2010)Rec1869 final, DD(2010)71, DD(2010)95, SG/Inf(2010)7, SG/Inf(2010)8, DD(2010)238, CM/Del/Dec(2010)1090/2.1, SG/Inf(2010)19, DD(2010)559, SG/Inf(2011)8 and SG/Inf(2011)24)

2.1bis Current political questions

a. Activities for the development and consolidation of democratic stability
(Item to be prepared by the GR-DEM on 5.4.2012)

(CM/Notes/1140/2.1bis of ...)

b. Other questions

2.2 Situation in Cyprus

3. *Parliamentary Assembly*

- 3.1 Communication by the Secretary General of the Parliamentary Assembly on the 2nd part of the 2012 Session and other Assembly activities

(SG/AS(2012)...))

4. *Human rights*

- 4.1 Abolition of the death penalty in all member states of the Council of Europe

(CM/Del/Dec(2001)769/4.4 and CM/Del/Dec(2011)1124/4.1)
(CM/Notes/1140/4.1 of ...)

10. *Legal questions*

- 10.1 Exchange of views with Mr Gilles de Kerchove, European Union Counter-Terrorism Co-ordinator

- 10.2 European Commission for the efficiency of justice (CEPEJ) –
Request for observer status by Israel
(Item to be prepared by the GR-J on 3.4.2012)

(CM/Notes/1140/10.2 of ...)

- 10.3 European Charter for Regional or Minority Languages

- a. Second report of the Committee of Experts in respect of Montenegro
(Item to be prepared by the GR-J on 3.4.2012)

(CM(2012)48 of ...)
(CM/Notes/1140/10.3a of ...)

- b. Election of a member of the Committee of Experts in respect of Luxembourg
(Item to be prepared by the GR-J on 3.4.2012)

(CM(2012)49)
(CM/Notes/1140/10.3b of ...)

- c. Election of a member of the Committee of Experts in respect of Cyprus
(Item to be prepared by the GR-J on 3.4.2012)

(CM(2012)50)
(CM/Notes/1140/10.3c of ...)

12. *Congress of Local and Regional Authorities of the Council of Europe*

- 12.1 Exchange of views with the Secretary General of the Congress

13. *Any other business*

**SCHEDULE OF MEETINGS
OF THE COMMITTEE OF MINISTERS
2012**

No.		Month	Date	Days
1137		March	14	Wednesday (9.30 a.m.)
1138			28-29	Wednesday, Thursday (10 a.m.)
1139		April	4	Wednesday (10 a.m.)
1140			11-12	Wednesday (3 p.m.), Thursday (10 a.m.)
1141		May	3	Thursday (10 a.m.)
1142			9	Wednesday (10 a.m.)
122nd Session	CM			To be fixed
1143			30	Wednesday (10 a.m.)
1144	DH	June	4-6	Monday, Tuesday, Wednesday (10 a.m.)
1145			13	Wednesday (10 a.m.)
1146			20	Wednesday (10 a.m.)
1147		July	4	Wednesday (10 a.m.)
[1147bis			11	Wednesday (10 a.m.)]
1148		September	5	Wednesday (10 a.m.)
1149			12	Wednesday (10 a.m.)
1150	DH		18-20	Tuesday, Wednesday, Thursday (10 a.m.)
1151			26	Wednesday (10 a.m.)
1152		October	10	Wednesday (10 a.m.)
1153			24	Wednesday (10 a.m.)
1154		November	7	Wednesday (10 a.m.)
[1154bis			14	Wednesday (10 a.m.)]
1155			21	Wednesday (10 a.m.)
1156			28	Wednesday (10 a.m.)
1157	DH	December	4-6	Tuesday, Wednesday, Thursday (10 a.m.)
1158			12	Wednesday (10 a.m.)
[1158bis			18	Tuesday (10 a.m.)]

MINISTERIAL CONFERENCES IN 2012

15 March	12th Council of Europe Conference of Ministers responsible for Sport (Belgrade, Serbia)
19-21 September	31st Council of Europe Conference of Ministers of Justice (Vienna, Austria)
September	9th Council of Europe Conference of Ministers responsible for Youth (St Petersburg, Russian Federation)
September	2nd Council of Europe Conference of Ministers responsible for Social Cohesion (Istanbul, Turkey)

MINISTERIAL CONFERENCES IN 2013

[September]	16th session of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) ([Athens,] Greece)
Date to be determined	1st Council of Europe Conference of Ministers responsible for Media and Information Society (Serbia)

Notes on the Agenda

CM/Notes/1137/1.6

2 March 2012¹



1137 Meeting, 14 March 2012

1 General questions

1.6 Meeting between the Presidents of monitoring bodies (19 December 2011) – Report

Reference documents

CM(2012)30, CM/Del/Dec(2010)1088/1.7

Action

To examine the report of the meeting between the Presidents of monitoring bodies of the Council of Europe presented in document CM(2012)30, with a view to the possible adoption of the following draft decisions.

It is recalled that, at their 1088th meeting (16 June 2010), following the second informal meeting of the Presidents of monitoring bodies of the Council of Europe, the Deputies invited them to :

- prepare proposals on how the coordination of monitoring bodies' activities can be reinforced and on how they intend to enhance their dialogue with the Committee of Ministers and the Parliamentary Assembly with the aim of ensuring a better implementation of their recommendations to member States;
- examine ways to contribute to the implementation of the Action Plan adopted at the High-level Conference on the future of the European Court of Human Rights (Interlaken, 18-19 February 2010) within the framework of their respective mandates.

At their meetings on 13 May and 19 December 2011, the Presidents of monitoring bodies examined the above-mentioned questions and came to the conclusions presented in document CM(2012)30.

The Deputies are invited to examine these conclusions with a view to possible adoption of the following draft decisions.

Financing assured: YES

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

DRAFT DECISIONS

1137th meeting – 14 March 2012**Item 1.6****Meeting between the Presidents of monitoring bodies (19 December 2011) – Report**

(CM(2012)30, CM/Del/Dec(2010)1088/1.7)

Decisions

The Deputies

1. welcomed the measures taken to reinforce coordination and synergies between the monitoring bodies and invited them to continue in this direction, and to report back in due time;
2. taking into account the decision above, took note of the report on the meetings held in 2011 between the Presidents of the monitoring bodies of the Council of Europe, as it appears in document CM(2012)30.

Notes on the Agenda

CM/Notes/1137/1.7

12 March 2012¹



1137 Meeting, 14 March 2012

1 General questions

1.7 Internet Governance – Draft Council of Europe Strategy 2012-2015

Item prepared by the TC-INF at its meeting on 10 January 2012 and written procedure

Reference document
CM(2011)175 prov4

Action – Item proposed for adoption without debate

To adopt the draft decisions below.

1. It is recalled that this item was postponed at the Deputies' 1135th meeting (22-23 February 2012) to the current meeting, in order for the Chair to conduct, together with the TC-INF, further consultations with the delegations which had contacted her with certain comments on the draft Strategy, as it appeared in document CM(2011)175prov3.
2. Following consultations with the delegations concerned, the Chair of the Ministers' Deputies distributed a revised text in document CM(2011)175 prov4 and proposed that, in the absence of comments by 5 p.m. on Friday, 9 March 2012, the revised text to submitted to the Deputies for adoption without debate at the current meeting.
3. At the expiry of the deadline no comments had been received.

Financing assured: YES

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DRAFT DECISIONS

1137th meeting – 14 March 2012**Item 1.7****Internet Governance –
Draft Council of Europe Strategy 2012-2015
(CM(2011)175 prov4)***Decisions*

The Deputies

1. adopted the Council of Europe Strategy 2012-2015 on Internet Governance, as it appears in document CM(2011)175 prov4²;
2. invited their Thematic Co-ordinator on Information Policy (TC-INF) to follow closely the implementation of the Strategy;
3. invited the Secretary General to provide a mid-term report to the Ministers' Deputies on its implementation by 31 January 2014.

² See also document CM(2011)175 final.

Notes on the Agenda

CM/Notes/1137/2.1bis

27 February 2012¹



1137 Meeting, 14 March 2012

2 Democracy and political questions

2.1bis Current political questions

a. Activities for the development and consolidation of democratic stability

- Montenegro
- Serbia

Item prepared by the GR-DEM of 23 February 2012

Reference documents

GR-DEM(2012)CB3, DPA/Inf(2011)36rev and DPA/Inf(2011)30rev

Action - Item proposed for adoption without debate

To adopt the following decisions.

Following the meeting held by the GR-DEM on 23 February 2012, the Deputies are invited to adopt the following decisions without further debate.

Financing assured: Yes

DRAFT DECISIONS

1137th meeting – 14 March 2012

Item 2.1bis

Current political questions

a. Activities for the development and consolidation of democratic stability

- Montenegro
- Serbia

(GR-DEM(2012)CB3, DPA/Inf(2011)36rev and DPA/Inf(2011)30rev)

Decisions

The Deputies

1. took note of the synopsis of the GR-DEM meeting held on 23 February 2012 (document GR-DEM(2012)CB3);

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Concerning Montenegro

Referring to the report "Montenegro: stocktaking of co-operation and fulfilment of statutory obligations" (document DPA/Inf(2011)36rev):

2. welcomed the substantial progress achieved by Montenegro in fulfilling its Council of Europe accession commitments and statutory obligations;
3. welcomed the adoption of a number of important laws in the field of human rights, rule of law and democracy and encouraged the authorities to give priority attention to their efficient implementation;
4. called on the authorities of Montenegro to implement the following recommendations:
 - complete the specific accession commitments and statutory obligations by ensuring the independence of the judiciary and the imperative of avoiding any decisive role of political institutions in the procedure of appointment and dismissal of judges and prosecutors, by completing the reform of the Constitution, in accordance with the Venice Commission's recommendations;
 - strengthen the independence of the Ombudsman and ensure he/she becomes an effective mechanism to implement the anti-discrimination legislation by adopting the necessary Constitutional amendments, in line with the Venice Commission and OSCE/ODIHR Joint Opinion;
 - improve the legal framework related to the fight against corruption and organised crime, in particular as regards the setting-up of more efficient mechanisms for the implementation and monitoring of anti-corruption initiatives;
 - strengthen the independence of media, notably by fostering the implementation of the Law on Electronic Media, the functioning of the self-regulatory body and by prosecuting all acts of violence against journalists;
 - ensure an adequate enforcement of national minorities' constitutional and legal rights;
 - combat discrimination, in particular with regard to the LGBT community;
 - ensure genuine independence and effectiveness of the independent oversight bodies by providing them with the necessary financial, human and logistic resources to fulfil their functions;
 - encourage a political dialogue between the parliamentary majority and the opposition, which would lead to the swift adoption of laws requiring a qualified majority.

Concerning Serbia

Referring to the report "Serbia: stocktaking of co-operation and fulfilment of statutory obligations" (document DPA/Inf(2011)30rev):

5. welcomed the significant progress and important reforms carried out by Serbia in fulfilling its Council of Europe accession commitments and statutory obligations;
6. welcomed Serbia's messages and actions in fostering bilateral and multilateral relations, contributing to an improved political climate in the region and encouraged the authorities to maintain this positive dynamic;
7. welcomed the improved co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) and the arrest and transfer of the two remaining fugitives to the ICTY;
8. called on the authorities of Serbia to implement the following recommendations:
 - continue to work towards fulfilling Serbia's remaining statutory commitments and obligations to the Council of Europe;

- complete the formal commitments and obligations taken upon accession to the Council of Europe by ratifying the Madrid Convention on Transfrontier Co-operation;
- secure the independence of the oversight bodies, to provide them with the sufficient means and resources to fulfil their mandates and promote better co-ordination between the relevant state institutions;
- continue the reform of the justice system, increasing its transparency, independence and efficiency, by making the best possible use of the Council of Europe expertise;
- address the issue of public intolerance and homophobia in parts of society, by encouraging wider societal debates on the values of diversity, providing support to the reform of education, encouraging related initiatives of civil society, and by ensuring that the standards set by the law on anti-discrimination are enforced and fully implemented;
- continue to improve the situation of persons belonging to national minorities in line with recommendations presented by the relevant monitoring mechanisms of the Council of Europe.

Notes on the Agenda

CM/Notes/1137/3.1a

21 February 2012¹



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Committee of Ministers
Comité des Ministres

1137 Meeting, 14 March 2012

3 Parliamentary Assembly

3.1 Written Questions by members of the Parliamentary Assembly to the Committee of Ministers

a. Written Question No. 613 by Mr Petrenco: "Estonian authorities and the annual gathering of the veterans of "Waffen SS" from Estonia and other European countries"

Reference document

Action:

To hold a first exchange of views on Written Question No. 613 by Mr Petrenco to the Committee of Ministers reproduced below, with a view to instructing the Secretariat to prepare a draft reply.

Written Question No. 613 by Mr Petrenco: "Estonian authorities and the annual gathering of the veterans of "Waffen SS" from Estonia and other European countries"

[Doc. 12876 – 16 February 2012]

On 30 July 2011, I took part on behalf of the European Left Party in the anti-fascist picket in Sinimae (Estonia), organised by the "World without Nazism" international organisation, together with some anti-fascists movements and activists from Estonia.

The protest was organised against the annual gathering of the veterans of "Waffen SS" from Estonia and other European countries, a gathering organised together with "The Union of the fighters for freedom", an NGO supported financially by the Estonian authorities (Ministry of Defence), to honour SS veterans, presenting them as heroes and freedom fighters. The place for such a gathering was not chosen arbitrarily: 67 years ago, in 1944, Sinimae was a battlefield between the forces of Hitler's allies and the Soviet army, and more than 100 000 people died from both sides in a few days.

I was able to visit the fascist gathering and I observed that not only Estonian SS veterans were present, but also some from Belgium, Germany, Holland and Latvia, some of them wearing a uniform, nazi-symbols and flags of their divisions and legions. Some of the former and current members of the Parliament from the ruling parties were also present, one of them promising in his public speech on behalf of the Minister of Defence, Mr Mart Laar, that until next year these veterans will get an official status of "freedom fighters".

No Council of Europe body has yet taken position on the issue of glorification of neo-nazi criminals in one of the Council of Europe member states or on the fact that such gatherings are permitted and financially supported by the Estonian authorities and the Ministry of Defence.

Mr Petrenco,

To ask the Committee of Ministers,

- To what extent are the actions of the Estonian authorities in line with the standards of the Council of Europe?

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

- What steps does the Committee of Ministers intend to take to prevent such neo-nazi gatherings taking place in the future, as well as the glorification of neo-nazi criminals in a Council of Europe member state?

Financing assured: YES

DRAFT DECISIONS

1137th meeting – 14 March 2012*Item 3.1a***Written Questions by members of the Parliamentary Assembly to the Committee of Ministers**

- d. **Written Question No. 613 by Mr Petrenco: "Estonian authorities and the annual gathering of the veterans of "Waffen SS" from Estonia and other European countries"**

Decisions

The Deputies

1. instructed the Secretariat to prepare a draft reply to Written Question No. 613 in light of the views expressed at the present meeting;
2. agreed to resume consideration of this question at one of their forthcoming meetings.

Notes on the Agenda

CM/Notes/1137/4.2

9 February 2012¹



1137 Meeting, 14 March 2012

4 Human rights

4.2 Steering Committee for Human Rights (CDDH) – Manual on Human Rights and the Environment (2nd edition)

Item prepared by the GR-H at its meeting of 7 February 2012

Reference document
CM(2011)176 add5

Action – Item proposed for adoption without debate

To adopt the draft decision below.

The GR-H examined the Manual on Human Rights and the Environment (document CM(2011)176 add5) at its meeting on 7 February 2012. It agreed to transmit it to the Deputies for adoption of the relevant decision at their 1137th meeting (14 March 2012), without further debate.

Financing assured: YES

DRAFT DECISION

1137th meeting – 14 March 2012

Item 4.2

**Steering Committee for Human Rights (CDDH) –
Manual on Human Rights and the Environment (2nd edition)**
(CM(2011)176 add5)

Decision

The Deputies took note of the Manual on Human Rights and the Environment, as it appears in document CM(2011)176 add5, and encouraged its dissemination among member States.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

1137 Meeting, 14 March 2012

4 Human rights

H46-1 Case against Bosnia and Herzegovina

27996/09 Sejdić and Finci; judgment of 22/12/2009 - Grand Chamber

Reference documents

Interim Resolution CM/ResDH(2011)291, CM/Inf/DH(2011)6, DH-DD(2010)108, DH-DD(2011)403 and DH-DD(2012)64E, DH-DD(2011)915, DH-DD(2010)307E, DH-DD(2011)1065, Resolution 1855(2012) of the Parliamentary Assembly

Action To resume the debate which began at the 1136th meeting.

Case description: Violation of the right to free elections and discrimination against the applicants (citizens of Bosnia and Herzegovina of Roma and Jewish origin) who were ineligible to stand for election to the House of Peoples of Bosnia and Herzegovina due to their lack of affiliation with a constituent people (Bosniacs, Croats or Serbs) (violation of Article 14 taken in conjunction with Article 3 of Protocol No. 1). General discrimination against the applicants due to their ineligibility to stand for election to the Presidency of Bosnia and Herzegovina due to their lack of affiliation with a constituent people (violation of Article 1 of Protocol No. 12).

Status of execution: The Deputies adopted an interim resolution at their 1128th meeting (December 2011) in which they:

- reiterated their call on the authorities and political leaders of Bosnia and Herzegovina to take the necessary measures aimed at eliminating the current discrimination and to bring its legislation in conformity with the Convention requirements;
- encouraged the Joint Commission (set up in the Parliament of Bosnia and Herzegovina for the execution of the present judgment) to make tangible progress in its work and present amendments to the Constitution and electoral legislation;
- invited the authorities of Bosnia and Herzegovina to inform the Committee regularly of the progress achieved the reform of the Constitutional and electoral legislation.

The authorities of Bosnia and Herzegovina informed the Committee of Ministers (see their letter of 20 January 2012 DH-DD(2012)64) that the Joint Commission has failed for presenting any amendments within the deadlines set to present constitutional changes and changes to the electoral law (i.e. 30 November 2011 and 31 December 2011 respectively) because no consensus has been reached on their content. In December 2011, both Chambers of the Parliamentary Assembly of Bosnia and Herzegovina instructed the Joint Commission to continue working on constitutional and legislative amendments and complete its work by 12 March 2012 at the latest.

At their 1136th meeting (March 2012) (DH), following statements made by the delegation of Bosnia and Herzegovina and by the Secretary General (see appendices), the Deputies adopted the following decision:

- "1. expressed their concern about the lack of progress in implementing the judgment;
2. invited the authorities of Bosnia and Herzegovina to provide information on recent relevant developments at their 1137th meeting (14 March 2012) in order to allow the Committee of Ministers to assess any possible further progress".

Financing assured: YES

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

Appendix 1 Address of the Ambassador of Bosnia and Herzegovina regarding the "Sejdić and Finci" case 1136. DH Meeting, 6-8 March 2012

I would like to introduce you, in brief, with technical aspect but also with the general and the political aspect of the current situation which we have at this moment in Bosnia and Herzegovina in terms of solving of the Sejdić and Finci case.

Technical aspect

We have earlier informed the Committee of Ministers that the Parliamentary Assembly of Bosnia and Herzegovina has established a Joint Interim Commission for the implementation of the Sejdić and Finci judgment.

In its decision on establishment of the Commission, the Parliamentary Assembly of Bosnia and Herzegovina set the deadline of 30 November 2011 for the preparation of Proposal Amendments to the Constitution of Bosnia and Herzegovina and the deadline of 31 December 2011 for the preparation of the Proposal Law on Amendments to the Election Law of Bosnia and Herzegovina.

The Commission has so far held 13 sessions. At its 10th session held on 1st December 2011 the Commission decided to submit its Activity Report to both Houses of the Parliamentary Assembly of Bosnia and Herzegovina. The Activity Report of the Commission has been published on the official web site of the Parliamentary Assembly of Bosnia and Herzegovina.

After having deliberated the Activity Report submitted by the Commission, the House of Representatives and the House of Peoples of Parliamentary Assembly of Bosnia and Herzegovina adopted the following conclusions:

The Commission has not reached any consensus that is needed to propose the constitutional amendments; the Commission should continue finding out solutions necessary for the implementation of the judgment, in accordance with suggestions and decisions made by the Houses of the Parliamentary Assembly of Bosnia and Herzegovina

The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina also adopted conclusion that the Commission needs to complete its work by 12 March 2012 at the latest as well as to inform Parliamentary Assembly of Bosnia and Herzegovina on the results achieved.

At its 11th session held on 12 January 2012 the Commission decided that the next meeting of the Commission should be held on 31 January 2012 and that those political parties that may wish to submit proposals of the amendments to the Constitution of Bosnia and Herzegovina can do it by 24 January 2012 to be discussed at the 12th meeting of the Commission.

At the 12th meeting of the Commission held on 31 January 2012 the Commission discussed the proposals of the amendments to the Constitution of Bosnia and Herzegovina submitted by the political parties. These proposals of amendments are published on the web site of the Parliamentary Assembly of Bosnia and Herzegovina.

Bearing in mind that the Commission has not reached a consensus that is needed to propose the constitutional amendments, at its 13th session held on 13 February 2012, leaders of the political parties participating in Parliamentary Assembly of Bosnia and Herzegovina will organise a work meeting on 9th March 2012 in order to discuss between other questions, possible solutions for the implementation of the judgment in the case Sejdić and Finci.

The 14th session of the Commission will be held on 12th March 2012.

General and political aspect

The appointment of the new Council of Ministers of Bosnia and Herzegovina represents for sure a new impetus for further development and a democratic and institutional progress.

The recent adoption of two important laws, Law on census and Law on state aid, which were, for more than two years, the main obstacle for further progress to the Stabilization and Association Process give us a reason to believe that the existing political and institutional climate will soon lead us to the progress in terms of implementation of our outstanding obligations to the Council of Europe. I mean particularly on the implementation of the judgment in Sejdić and Finci case.

As you know, in the case Sejdić and Finci Court found the lack of respect for human rights in the Dayton Peace Agreement, more specifically in the Annex IV, which represents the Constitution of Bosnia and Herzegovina.

The implementation of the Court decision has been so far gone very difficult due to the fact that the implementation of this judgment requires modification of our Constitution, which was created as part of an international peace agreement and ended the war in Bosnia and Herzegovina. Many negotiations and discussions about the necessary scope and volume of constitutional changes have been led and not just among the political parties in Parliamentary Assembly of Bosnia and Herzegovina but also with the international community.

Now we have at least an agreement about the scope of constitutional changes that would be applied to the House of Peoples of the B&H Parliament and to the Presidency of Bosnia and Herzegovina. In this sense, we are now discussing the best way for the implementation of the 'Sejdić and Finci' judgment.

But, before the 14th session of the Commission which, as I said, will be held on 12th March 2012, the presidents of the political parties represented in the Parliament of Bosnia and Herzegovina will hold meeting on 09th of March 2012.

As very important issue presidents will be discussing about the implementation of 'Sejdić and Finci' judgment. We expect positive result, agreement between leaders. It will be clear sign for the Commission how to reach a consensus that is needed to propose the constitutional amendments on the session of the Commission which will be held on 12th March 2012.

We need institutional experience of the Council of Europe and support in this very important moment for further development and improvement in implementation of the judgment. Possible critics and warnings in a present situation, where we are very close to the beginning of the final solving of this problem, would not be the contribution to this issue.

The Council of Europe already has experience in the situation like this. The 'Sejdić and Finci' case is not the first, and probably not the last case, which has appeared before different bodies of the Council of Europe because the Court judgment has not been implemented in the short period of time.

I am kindly asking the members of the Committee of Ministers for additional patience, understanding and support because we are very close to the success. We believe that we will have good news very soon. I am positive that we will not miss the chance to show credible progress and positive development in fulfilling of our outstanding obligations including this case, especially bearing in mind the occasion of 10-th anniversary of the membership of Bosnia and Herzegovina to the Council of Europe, which will be celebrated during the Parliamentary Assembly session in April 2012.

Once more I would like to thank to all of you for your unselfish efforts, made in order to understand the situation and to help whenever you have an opportunity.

We shall continue to regularly inform the Committee of Ministers on all further activities concerning the implementation of the judgment.

Appendix 2

Statement by the Secretary General at the 1136th meeting of the Ministers' Deputies Human Rights (7 March 2012)

Case of Sejdić and Finci v. Bosnia and Herzegovina

I am present here today because I have some important information in particular related to the necessary co-ordination we must undertake with the EU related to the entering into force of the Stabilisation and Association Agreement.

The significance of this case for Bosnia and Herzegovina cannot be overestimated. Actually it has to do with the future survival of the States, moving from the Dayton context to a real multi-ethnic State with equal rights for all. Its compliance will bring an end to an intolerable situation, namely that human rights of a whole segment of the country's population are being violated by its constitution. This is why I have been, from the very beginning, personally following this case very closely, and this is also why I proposed that it should be discussed by Ministers on the occasion of the Ministerial meeting in May 2010.

Unfortunately, our hopes for a speedy implementation were dashed at the time by the proximity of parliamentary elections in the autumn of the same year. Today, almost a year and a half later, the progress we expected to have achieved towards full implementation is still not there. Time is slowly running out. The next parliamentary elections are scheduled for 2014 and the consequences of yet another election in which a category of citizens is constitutionally prevented to stand would have clearly negative consequences. These concerns were also spelled out in the January resolution by the Parliamentary Assembly.

During the last meeting of the Deputies on 22 February, I already informed you about my consultations on this issue with the EU Commissioner responsible for Enlargement, Stefan Füle. As you know, the EU conditions on the entering into force of the Stabilisation and Association Agreement with Bosnia and Herzegovina - which was signed in 2008 - call for "a credible effort" towards the implementation of the Sejdić and Finci judgment.

Following my consultation with Commissioner Füle, a delegation from the EU Commission visited Strasbourg and discussed this issue with relevant services of the Council of Europe.

Last week, I wrote to Commissioner Füle and emphasised two points which I consider to be of utmost importance.

The first was to encourage further consultations in order to contribute to the speediest possible full compliance with the judgment of the Court. In this respect, I stressed the importance of making an effort to harmonise the benchmarks and the deadlines, in particular with a view to the pending decision on the entering into force of the Stabilisation and Association Agreement, linked to the notion of credible effort in complying with the judgment.

My second point was to stress the imperative of clarifying, from the outset, the fact that any progress in the form of partial compliance with the ruling should not serve, or lead, to any slowing down or postponement of the full compliance with the judgment, including the necessary constitutional and legislative amendments on the elections of both the House of Peoples and the Presidency of Bosnia and Herzegovina, which must be completed well before the next parliamentary elections scheduled for 2014.

I emphasised that it was in my view essential that this message was clearly delivered by both the Council of Europe and the European Union.

I of course made it clear that I cannot prejudge the decision of the Committee of Ministers, which has sole responsibility for supervising the execution of judgments, but I promised to raise these points at your meeting today.

How should we proceed in view of the facts as they are known today?

As you know, the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina asked the Joint Interim Commission for the implementation of the Sejdić and Finci judgment to complete its work by 12 March 2012 at the latest.

Against this background, I would propose to take up this issue again at your next regular meeting on 14 March. This will allow you to assess any progress which the Joint Interim Commission will hopefully achieve by then. Your assessment could subsequently also help the European Union in its deliberations on the credible effort required for the entering into force of the Stabilisation and Association Agreement.

I believe that this pragmatic and co-ordinated approach, while fully in line with respective prerogatives of the Council of Europe and the European Union, could help to provide the necessary clarity to the authorities of Bosnia and Herzegovina with regard to the direction and the timing of the progress towards full compliance with the judgment well before the next elections.

Notes on the Agenda

CM/Notes/1137/6.1 24 February 2012¹



1137 Meeting, 14 March 2012

6 Social Cohesion

6.1 European Committee for Social Cohesion (CDCS) –

Draft Recommendation CM/Rec(2012)... of the Committee of Ministers to member States on a European Charter on shared social responsibilities

Item prepared by the GR-SOC on 17 January and 23 February 2012

Reference documents

CM(2011)145 rev, CM(2011)145 add, DD(2011)1063 and DD(2012)37

Action – Item proposed for adoption without debate

To adopt the draft decision below.

The GR-SOC examined this item at its meetings on 17 January and 23 February 2012. Following discussions, the group agreed to transmit the draft decision below to the Deputies for adoption, without further debate, at their 1137th meeting (14 March 2012).

Financing assured: YES

DRAFT DECISION

1137th meeting – 14 March 2012

Item 6.1

European Committee for Social Cohesion (CDCS) –

Draft Recommendation CM/Rec(2012)... of the Committee of Ministers to member States on a European Charter on shared social responsibilities

(CM(2011)145 rev, CM(2011)145 add, DD(2011)1063 and DD(2012)37)

Decision

The Deputies invited the European Committee for Social Cohesion (CDCS) to re-examine the text of the draft Recommendation on a European Charter on shared social responsibilities, as it appears in document CM(2011)145 rev, in the light of proposed amendments and comments from delegations as they appear in the synopsis of the meeting of the Rapporteur Group on Social and Health Questions (GR-SOC) of 23 February 2012 and its addendum² (documents GR-SOC(2012)CB2 and GR-SOC(2012)CB2 add).

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

² To be issued after 15 March 2012.

Notes on the Agenda

CM/Notes/1137/6.2 24 February 2012¹



1137 Meeting, 14 March 2012

6 Social Cohesion

6.2 European Directorate for the Quality of Medicines and HealthCare (EDQM)

- a. European Committee on Organ Transplantation (Partial Agreement) (CD-P-TO) – Abridged report of the 8th meeting (Geneva, 20-21 October 2011)
- b. European Committee on Pharmaceuticals and Pharmaceutical Care (Partial Agreement) (CD-P-PH) – Abridged report of the 5th meeting (Strasbourg, 5-6 September 2011)
- c. Consumer Health Protection Committee (Partial Agreement) (CD-P-SC)
 - (i) Abridged report of the 4th meeting (Strasbourg, 28-29 November 2011)
 - (ii) Draft Resolution CM/ResAP(2012)... on safety criteria for cosmetic products intended for infants

Item prepared by the GR-SOC on 23 February 2012

Reference documents
CM(2012)25, CM(2012)26, CM(2012)27

Action – Item proposed for adoption without debate

To take note of the abridged reports of the 8th meeting of the CD-P-TO, of the 5th meeting of the CD-P-PH and of the 4th meeting of the CD-P-SC and to adopt the draft Resolution on safety criteria for cosmetic products intended for infants.

The GR-SOC considered these items at its meeting on 23 February 2012. After a debate, the Chair noted that the group recommended that the Deputies, in their composition restricted to Representatives of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia.²

- (a) take note of the abridged report of the 8th meeting of the CD-P-TO (document CM(2012)25);
- (b) take note of the abridged report of the 5th meeting of the CD-P-PH (document CM(2012)26);
- (c) adopt the draft Resolution on safety criteria for cosmetic products intended for infants and take note of the abridged report of the 4th meeting of the CD-P-SC (document CM(2012)27)

at their 1137th meeting on 14 March 2012, without further debate.

Financing assured: YES

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

² States concerned: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and United Kingdom.

DRAFT DECISIONS

1137th meeting – 14 March 2012*Item 6.2a***European Directorate for the Quality of Medicines and HealthCare (EDQM)**

- a. European Committee on Organ Transplantation (Partial Agreement) (CD-P-TO) – Abridged report of the 8th meeting (Geneva, 20-21 October 2011) (CM(2012)25)**

Decision

The Deputies, in their composition restricted to Representatives of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia,³ took note of the abridged report of the 8th meeting of the CD-P-TO, as it appears in document CM(2012)25.

1137th meeting – 14 March 2012*Item 6.2b***European Directorate for the Quality of Medicines and HealthCare (EDQM)**

- b. European Committee on Pharmaceuticals and Pharmaceutical Care (Partial Agreement) (CD-P-PH) – Abridged report of the 5th meeting (Strasbourg, 5-6 September 2011) (CM(2012)26)**

Decision

The Deputies, in their composition restricted to Representatives of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia,⁴ took note of the abridged report of the 5th meeting of the CD-P-PH, as it appears in document CM(2012)26.

³ States concerned: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and United Kingdom.

⁴ States concerned: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and United Kingdom.

1137th meeting – 14 March 2012

Item 6.2c

European Directorate for the Quality of Medicines and HealthCare (EDQM)

- c. Consumer Health Protection Committee (Partial Agreement) (CD-P-SC)**
- (i) Abridged report of the 4th meeting (Strasbourg, 28-29 November 2011)**
- (ii) Draft Resolution CM/ResAP(2012)... on safety criteria for cosmetic products intended for infants**
(CM(2012)27)

Decisions

The Deputies, in their composition restricted to Representatives of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia,⁵

1. adopted Resolution CM/ResAP(2012)... on safety criteria for cosmetic products intended for infants, as it appears at Appendix ... to the present volume of Decisions; << Appendix 2 to CM(2012)27 >>
2. in the light of the above decision, took note of the abridged report of the 4th meeting of the CD-P-SC, as it appears in document CM(2012)27, as a whole.

⁵ States concerned: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and United Kingdom.

Notes on the Agenda

CM/Notes/1137/6.3 24 February 2012¹



1137 Meeting, 14 March 2012

6 Social Cohesion

6.3 "The role of parliaments in the consolidation and development of social rights in Europe" – Parliamentary Assembly Recommendation 1976 (2011)

Item prepared by the GR-SOC on 23 February 2012

Reference documents

Parliamentary Assembly REC_1976 (2011) and CM/AS(2012)Rec1976 prov

Action – Item proposed for adoption without debate

To adopt the draft reply, as it appears in document CM/AS(2012)Rec1976 prov.

The GR-SOC considered this item at its meeting on 23 February 2012 and agreed to recommend that the Deputies adopt the draft reply (document CM/AS(2012)Rec1976 prov) at their 1137th meeting on 14 March 2012, without further debate.

Financing assured: YES

DRAFT DECISION

1137th meeting – 14 March 2012

Item 6.3

"The role of parliaments in the consolidation and development of social rights in Europe" – Parliamentary Assembly Recommendation 1976 (2011)

(Parliamentary Assembly REC_1976 (2011) and CM/AS(2012)Rec1976 prov)

Decision

The Deputies adopted the reply to Parliamentary Assembly Recommendation 1976 (2011) on "The role of parliaments in the consolidation and development of social rights in Europe", as it appears at Appendix ... to the present volume of Decisions.² << cf. document CM/AS(2012)Rec1976 prov >>

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

² See also document CM/AS(2012)Rec1976 final.

Notes on the Agenda

CM/Notes/1137/6.4 24 February 2012¹



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Committee of Ministers
Comité des Ministres

1137 Meeting, 14 March 2012

6 Social Cohesion

6.4 "The situation of Roma² in Europe: a challenge for local and regional authorities" – Recommendation 315 (2011) of the Congress of Local and Regional Authorities of the Council of Europe

Item prepared by the GR-SOC on 23 February 2012

Reference documents

Congress REC_315 (2011) and CM/Cong(2012)Rec315 prov

Action – Item proposed for adoption without debate

To adopt the draft decision below.

The GR-SOC considered this item at its meeting on 23 February 2012 and agreed to recommend that the Deputies adopt the draft reply (document CM/Cong(2012)Rec315 prov), at their 1137th meeting on 14 March 2012, without further debate.

Financing assured: YES

DRAFT DECISION

1137th meeting – 14 March 2012

Item 6.4

"The situation of Roma² in Europe: a challenge for local and regional authorities" – Recommendation 315 (2011) of the Congress of Local and Regional Authorities of the Council of Europe
(Congress REC_315 (2011) and CM/Cong(2011)Rec315 prov)

Decision

The Deputies adopted the reply to Recommendation 315 (2011) of the Congress of Local and Regional Authorities of the Council of Europe on "The situation of Roma in Europe: a challenge for local and regional authorities", as it appears at Appendix ... to the present volume of Decisions.³ << see document CM/Cong(2012)Rec315 prov >>

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

² The term "Roma" used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as "Gypsies".

³ See also document CM/Cong(2012)Rec315 final.

Notes on the Agenda

CM/Notes/1137/6.5 27 February 2012¹



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Committee of Ministers
Comité des Ministres

1137 Meeting, 14 March 2012

6 Social Cohesion

6.5 Evaluation of the terms of reference of the Ad hoc Committee of Experts on Roma Issues (CAHROM)

Item prepared by the GR-SOC on 23 February 2012

Reference documents

CM(2011)94, CM(2011)181, GR-SOC(2012)2, GR-SOC(2012)CB2

Action – Item proposed for adoption without debate

To adopt the draft decision below.

The terms of reference of the Ad hoc Committee of Experts on Roma Issues (CAHROM) were adopted by the Committee of Ministers at its 1106th meeting on 16 February 2011, following the High Level Meeting on Roma and the Declaration adopted by the member States on that occasion (Strasbourg, 20 October 2010). The terms of reference, which will expire on 31 December 2013, provided for an evaluation after one year, which was carried out by the GR-SOC at its meeting on 23 February 2012 (cf. document GR-SOC(2012)CB2). The GR-SOC agreed to recommend the draft decision below to the Deputies for adoption without debate at the present meeting.

Financing assured: YES

DRAFT DECISION

1137th meeting – 14 March 2012

Item 6.5

Evaluation of the terms of reference of the Ad hoc Committee of Experts on Roma Issues (CAHROM)

(CM(2011)94, CM(2011)181, GR-SOC(2012)2, GR-SOC(2012)CB2)

Decision

The Deputies took note of the evaluation carried out by their Rapporteur Group on Social and Health Questions of the terms of reference of the Ad hoc Committee of Experts on Roma Issues (CAHROM) (cf. document GR-SOC(2012)CB2).

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

Notes on the Agenda

CM/Notes/1137/10.1a 23 February 2012¹



1137 Meeting, 14 March 2012

10 Legal questions

10.1 European Charter for Regional or Minority Languages –

a. Third report of the Committee of Experts in respect of Cyprus

Item prepared by the GR-J of 21 February 2012

Reference document
CM(2012)23

Action – Item proposed for adoption without debate

To adopt the following draft decisions.

At its meeting of 21 February 2012, the Rapporteur Group on Legal Co-operation (GR-J) examined this item and agreed to transmit the draft decisions below to the Deputies for adoption.

Context

1. The Committee of Experts of the European Charter for Regional or Minority Languages was set up in accordance with Article 17 of the Charter. Its main function is to evaluate, on a three-yearly basis, the application of the Charter by States Parties. Its evaluation is based on periodical reports and other information submitted by the States Parties, information received from legally established bodies and associations in the States Parties and information the Committee gathers during its "on-the-spot" visits to the countries. The Committee then prepares its own report, assessing the countries' compliance with their undertakings, with a view to preparing recommendations to be adopted by the Committee of Ministers.

2. In accordance with Article 16, paragraphs 3 and 4 of the Charter², the Committee of Experts has submitted to the Committee of Ministers its **third report on the implementation of the Charter in Cyprus**. The report (document CM(2012)23) contains proposals for recommendations of the Committee of Ministers to the Cypriot authorities. The government concerned has had the opportunity to submit its observations on the report, in accordance with Article 16, paragraph 3 of the Charter (see Appendix II to the report (document CM(2012)23)).

3. As regards the layout of the report, *Chapter I* gives information on the work of the Committee of Experts, the language situation in the country concerned and the particular issues which arose in examination of the situation. *Chapter II* examines how the State authorities have reacted to the recommendations of the Committee of Ministers. *Chapter III* is a detailed assessment of compliance with Charter obligations. *Chapter IV* sums up the Committee of Experts' findings and puts forward recommendations that the Committee of Ministers could make to the country concerned.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

² "3. On the basis of the reports specified in paragraph 1 and the information mentioned in paragraph 2, the Committee of Experts shall prepare a report for the Committee of Ministers. This report shall be accompanied by the comments that the Parties have been requested to make and may be made public by the Committee of Ministers.

4. The report specified in paragraph 3 shall contain in particular the proposals of the Committee of Experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required."

Preparation and adoption of the Committee of Ministers' recommendations

4. Under the Charter, the Committee of Ministers is required to decide what action to take on the proposed recommendations put forward by the Committee of Experts regarding Cyprus (see Appendix to these Notes).

Procedure

5. The Deputies agreed on the procedure for examining the reports at their 765th meeting (19 September 2001, item 10.4). The Deputies are reminded that, at the same meeting, they authorised **automatic declassification** of each report after it had been examined by the Committee of Ministers, unless the state concerned objected to its publication.

6. Furthermore, it is recalled that the Deputies agreed, at their 935th meeting (13 July 2005, item 1.4, decision 2) that reports on the implementation of the Charter be given preliminary examination in their Rapporteur Group on Legal Co-operation (GR-J).

Background information concerning Cyprus

7. Cyprus signed the Charter on 12 November 1992 and ratified it on 26 August 2002. The Charter entered into force in Cyprus on 1 December 2002.

Financing assured: YES

DRAFT DECISIONS

1137th meeting – 14 March 2012

Item 10.1a

European Charter for Regional or Minority Languages

a. Third report of the Committee of Experts in respect of Cyprus
(CM(2012)23)

*Decisions***The Deputies**

1. took note of the third report of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of Cyprus, as it appears in document CM(2012)23;

2. adopted Recommendation CM/RecChL(2012)... on the application of the European Charter for Regional or Minority Languages by Cyprus, as it appears at Appendix ... to the present volume of Decisions <see Appendix to these Notes>, and agreed to forward it to the Cypriot authorities.

1137th meeting – 14 March 2012

Appendix ...
(Item 10.1a)

**Draft Recommendation CM/RecChL(2012)...
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Cyprus**

*(adopted by the Committee of Ministers on ... 2012
at the ... meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by Cyprus on 3 August 2005 and 5 November 2008;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Cyprus;

Bearing in mind that this evaluation is based on information submitted by Cyprus in its third periodical report, supplementary information given by the Cypriot authorities, information submitted by bodies and associations legally established in Cyprus, finally, on the information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the Cypriot authorities on the contents of the Committee of Experts' report;

Recommends that the Cypriot authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. adopt a structured policy for the protection and promotion of the Armenian and Cypriot Maronite Arabic languages;
2. strengthen the teaching in and of Cypriot Maronite Arabic;
3. provide teacher training for Armenian and Cypriot Maronite Arabic.

Notes on the Agenda

CM/Notes/1137/10.1b 23 February 2012¹



1137 Meeting, 14 March 2012

10 Legal questions

10.1 European Charter for Regional or Minority Languages –

b. Fourth report of the Committee of Experts in respect of Finland

Item prepared by the GR-J of 21 February 2012

Reference document
CM(2012)24

Action – Item proposed for adoption without debate

To adopt the draft decisions below.

At its meeting of 21 February 2012, the Rapporteur Group on Legal Co-operation (GR-J) examined this item and agreed to transmit the draft decisions below to the Deputies for adoption.

Context

1. The Committee of Experts of the European Charter for Regional or Minority Languages was set up in accordance with Article 17 of the Charter. Its main function is to evaluate, on a three-yearly basis, the application of the Charter by States Parties. Its evaluation is based on periodical reports and other information submitted by the States Parties, information received from legally established bodies and associations in the States Parties and information the Committee gathers during its “on-the-spot” visits to the countries. The Committee then prepares its own report, assessing the countries’ compliance with their undertakings, with a view to preparing recommendations to be adopted by the Committee of Ministers.

2. In accordance with Article 16, paragraphs 3 and 4 of the Charter², the Committee of Experts has submitted to the Committee of Ministers its **fourth report on the implementation of the Charter in Finland**. The report (document CM(2012)24) contains proposals for recommendations of the Committee of Ministers to the Finnish authorities. The government concerned has had the opportunity to submit its observations on the report, in accordance with Article 16, paragraph 3 of the Charter (see Appendix II to the report (document CM(2012)24)).

3. As regards the layout of the report, *Chapter I* gives information on the work of the Committee of Experts, the language situation in the country concerned and the particular issues which arose in examination of the situation. *Chapter II* examines how the State authorities have reacted to the recommendations of the Committee of Ministers. *Chapter III* is a detailed assessment of compliance with Charter obligations. *Chapter IV* sums up the Committee of Experts’ findings and puts forward recommendations that the Committee of Ministers could make to the country concerned.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

² “3. On the basis of the reports specified in paragraph 1 and the information mentioned in paragraph 2, the Committee of Experts shall prepare a report for the Committee of Ministers. This report shall be accompanied by the comments that the Parties have been requested to make and may be made public by the Committee of Ministers.

4. The report specified in paragraph 3 shall contain in particular the proposals of the Committee of Experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required.”

Preparation and adoption of the Committee of Ministers' recommendations

4. Under the Charter, the Committee of Ministers is required to decide what action to take on the proposed recommendations put forward by the Committee of Experts regarding Finland (see Appendix to these Notes).

Procedure

5. The Deputies agreed on the procedure for examining the reports at their 765th meeting (19 September 2001, item 10.4). The Deputies are reminded that, at the same meeting, they authorised **automatic declassification** of each report after it had been examined by the Committee of Ministers, unless the state concerned objected to its publication.

6. Furthermore, it is recalled that the Deputies agreed, at their 935th meeting (13 July 2005, item 1.4, decision 2) that reports on the implementation of the Charter be given preliminary examination in their Rapporteur Group on Legal Co-operation (GR-J).

Background information concerning Finland

7. Finland signed the Charter on 5 November 1992 and ratified it on 9 November 1994. The Charter entered into force in Finland on 1 March 1998.

Financing assured: YES

DRAFT DECISIONS

1137th meeting – 14 March 2012

Item 10.1b

**European Charter for Regional or Minority Languages –
Fourth report of the Committee of Experts in respect of Finland
(CM(2012)24)**

*Decisions**The Deputies*

1. took note of the fourth report of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of Finland, as it appears in document CM(2012)24;
2. adopted Recommendation CM/RecChL(2012)... on the application of the European Charter for Regional or Minority Languages by Finland, as it appears at Appendix ... to the present volume of Decisions <see Appendix to these Notes>, and agreed to forward it to the Finnish authorities.

1137th meeting – 14 March 2012

Appendix ..
(item 10.1b)

**Draft Recommendation CM/RecChL(2012)...
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Finland**

*(adopted by the Committee of Ministers on ... 2012
at the ... meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Finland on 9 November 1994;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by Finland;

Bearing in mind that this evaluation is based on information submitted by Finland in its fourth periodical report, on supplementary information given by the Finnish authorities, on information submitted by bodies and associations legally established in Finland and, finally, on information obtained by the Committee of Experts during its "on-the-spot" visit;

Having taken note of the comments made by the Finnish authorities on the contents of the Committee of Experts' report;

Recommends that the Finnish authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. further strengthen education in Sámi, notably through the development of a structured policy and a long-term financing scheme;
2. take urgent measures to protect and promote Inari and Skolt Sámi, which are particularly endangered languages, in particular by means of the provision of language nests on a permanent basis;
3. take further measures to ensure the accessibility of social and health care in Swedish and Sámi;
4. develop and implement innovative strategies for the training of Romani teachers, extend the production of teaching materials in Romani and increase the provision of teaching of Romani;
5. take measures to increase awareness and tolerance vis-à-vis the regional or minority languages of Finland, both in the general curriculum at all stages of education and in the media.

Notes on the Agenda

CM/Notes/1137/10.2a 23 February 2012¹



1137 Meeting, 14 March 2012

10 Legal questions

10.2 European Committee on Crime Problems (CDPC) –

a. Abridged report of the 61st plenary session (Strasbourg, 6-9 December 2011)

Item prepared by the GR-J of 21 February 2012

Reference document
CM(2012)7

Action – Item proposed for adoption without debate

To adopt the following draft decision.

At its meeting of 21 February 2012, the Rapporteur Group on Legal Co-operation (GR-J) examined the abridged report (document CM(2012)7) submitted by the European Committee on Crime Problems (CDPC), following its 61st plenary session (Strasbourg, 6-9 December 2011) and agreed to transmit it to the Deputies in order to take note of it at their 1137th meeting (14 March 2012), if appropriate, without further debate (**item placed in the box**).

Financing assured: YES

DRAFT DECISION

1137th meeting – 14 March 2012

Item 10.2a

European Committee on Crime Problems (CDPC) –

a. Abridged report of the 61st plenary session (Strasbourg, 6-9 December 2011)
(CM(2012)7)

Decision

The Deputies took note of the abridged report of the 61st plenary session of the European Committee on Crime Problems (CDPC), as it appears in document CM(2012)7.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.