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Committee on Legal Affairs and Human Rights

Mandate: General Rapporteur on Political Prisoners in Europe

Terms of reference

1. **Term of office:** one year, renewable once

2. **Mandate**

The general rapporteur on Political Prisoners in Europe is mandated to intervene in matters relating to alleged cases of politically motivated arrests and criminal prosecutions in Europe and in other countries having an observer or cooperative status with the Council of Europe or the Parliamentary Assembly.

3. **Definition**

A "political prisoner" is a person who is deprived of his or her liberty in circumstances fulfilling one or more of the criteria reaffirmed in Assembly Resolution 1900 (2012), namely:

- a. if the detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention on Human Rights and its Protocols (ECHR), in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association;
- b. if the detention has been imposed for purely political reasons without connection to any offence;
- c. if, for political motives, the length of the detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of;
- d. if, for political motives, he or she is detained in a discriminatory manner as compared to other persons; or,
- e. if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities." (SG/Inf(2001)34, paragraph 10).

The finding by the European Court of Human Rights, in favour of a person deprived of his or her liberty, of a violation of Articles 5 in conjunction with Article 18 of the European Convention of Human Rights is a strong indication that such a person is a "political prisoner".

4. **Responsibilities:**

The role of the general rapporteur is to:

- follow activities and maintain working relations, when need arises, with different Council of Europe institutions and bodies which deal with issues relating to political prisoners, including the Committee of Ministers, the Commissioner for Human Rights, the Secretary General and the Conference of INGOs;

- follow activities and maintain, when appropriate, working relations with bodies and agencies of the United Nations (including its Working Group on Arbitrary Detentions), the European Union, with the Organisation for Security and Cooperation in Europe (OSCE), in particular the OSCE Parliamentary Assembly's Special Representative on Political Prisoners, and with other international governmental and non-governmental organisations;
- represent the committee on behalf of the Assembly *vis-à-vis* any of the above mentioned bodies and groups, when relevant and appropriate;
- in appropriate cases, make statements and launch appeals on his/her own behalf or propose to do so to the Committee;
- in appropriate cases, engage in communication with alleged political prisoners or their families and their lawyers;
- follow up previous resolutions and recommendations of the Assembly on issues related to alleged cases of political prisoners.

The general rapporteur shall report periodically, at least annually, to the committee on information collected and any action taken.