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Committee on Legal Affairs and Human Rights

Work of the Committee on Legal Affairs and Human Rights (AS/Jur): an overview

Information document prepared by the Secretariat

The Committee on Legal Affairs and Human Rights promotes the rule of law and defends human rights. It is also responsible for a whole variety of activities that make it, de facto, the Assembly's legal adviser.

The Committee (AS/Jur) comprises [91 members and their alternates](#). It deals with a wide range of legal and human rights topics, appointing parliamentary rapporteurs mandated to prepare reports based on *in situ* research, hearings and exchanges of views with experts. This work culminates in resolutions and recommendations of the Parliamentary Assembly (PACE) addressed to member states and other Council of Europe bodies.

The Committee has three sub-committees: on human rights, on crime problems and the fight against terrorism, and on the implementation of judgments of the European Court of Human Rights.

The Committee and its relevant sub-committees participate in the election, by the Assembly, of the Council of Europe Commissioner for Human Rights, as well as in the election, by the Committee of Ministers, of the members of the European Committee for the Prevention of Torture (CPT).

When requested by the Committee of Ministers, the Assembly gives its opinion – usually based on a text prepared by AS/Jur – on draft conventions prior to their final adoption (as, for instance, on the draft Protocols Nos. 15 and 16 to the European Convention on Human Rights).

The Committee sends representatives to meetings of relevant Council of Europe bodies, including the European Commission for Democracy through Law (Venice Commission) and the Group of States against Corruption (GRECO).

For more details, see the [Committee's work programme](#).

After playing a key role in the Organisation's enlargement after the fall of the Berlin Wall (in particular through its opinions on new applications for Council membership, insisting on legal reforms and a moratorium on executions, followed by the abolition of death penalty), much of the Committee's more recent and ongoing work has focused on:

- **Reinforcing the system of human rights protection in Europe**
- **Respect for human rights in the fight against terrorism**
- **Combating impunity, eradicating judicial corruption and upholding the rule of law**

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Reinforcing the system of human rights protection in Europe

The Committee strongly supports the European human rights protection system, whose jewel in the crown is the European Convention on Human Rights (the Convention). The application of the Convention in all States Parties is supervised by the European Court of Human Rights (the Court).

The Committee is committed to guaranteeing the long-term effectiveness of the Convention system. It has considered the issue of the effectiveness of the Convention at national level and regularly examines the implementation of judgments of the Court.

- *Unlimited access to member States, including “grey zones”, by Council of Europe and United Nations human rights monitoring bodies (10/2018):* [Doc. 14619](#), [Resolution 2240 \(2018\)](#) and [Recommendation 2140 \(2018\)](#)
- *State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights (04/2018):* [Doc. 14506](#), [Resolution 2209 \(2018\)](#) and [Recommendation 2125 \(2018\)](#)
- *Copenhagen Declaration, appreciation and follow-up (04/2018):* [Doc. 14539](#) and [Recommendation 2129 \(2018\)](#)
- *The implementation of judgments of the European Court of Human Rights (06/2017):* [Doc. 14340](#), [Resolution 2178 \(2017\)](#) and [Recommendation 2110 \(2017\)](#)
- *Implementation of judgments of the European Court of Human Rights (09/2015):* [Doc. 13864 + Addendum](#), [Resolution 2075 \(2015\)](#) and [Recommendation 2079 \(2015\)](#)
- *European institutions and human rights in Europe (03/2015):* [Doc. 13714](#), [Resolution 2041 \(2015\)](#) and [Recommendation 2065 \(2015\)](#)
- *The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond (03/2015):* [Doc. 13719 + Addendum](#), [Resolution 2055 \(2015\)](#) and [Recommendation 2070 \(2015\)](#)
- *Reinforcement of the independence of the European Court of Human Rights (05/2014):* [Doc. 13524](#), [Resolution 2009 \(2014\)](#) and [Recommendation 2051 \(2014\)](#)
- *The European Convention on Human Rights: the need to reinforce the training of legal professionals (01/2014):* [Doc. 13429](#), [Resolution 1982 \(2014\)](#) and [Recommendation 2039 \(2014\)](#)
- *Urgent need to deal with new failures to cooperate with the European Court of Human Rights (12/2013):* [Doc. 13435](#), [Resolution 1991 \(2014\)](#) and [Recommendation 2043 \(2014\)](#)
- *Accountability of international organisations for human rights violations (11/2013):* [Doc. 13370](#), [Resolution 1979 \(2014\)](#) and [Recommendation 2037 \(2014\)](#)
- *European Union and Council of Europe human rights agendas: synergies not duplication (10/2013):* [Doc. 13321](#) and [Recommendation 2027 \(2013\)](#)
- *Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties (01/2013):* [Doc. 13087](#), [Resolution 1914 \(2013\)](#) and [Recommendation 2007 \(2013\)](#)
- *Reinforcing the selection processes of experts of key Council of Europe human rights monitoring mechanisms (12/2012):* [Doc. 13133](#), [Resolution 1923 \(2013\)](#) and [Recommendation 2012 \(2013\)](#)
- *Opinions on draft Protocols Nos. 15 and 16 to the European Convention on Human Rights (06/2013):*, [Opinion 283 \(2013\)](#) and [Doc. 13154](#), and [Opinion 285 \(2013\)](#) and [Doc. 13220](#)
- *Human rights and family courts (11/2012):* [Doc. 13060](#) and [Resolution 1908 \(2012\)](#)
- *Guaranteeing the authority and effectiveness of the European Convention on Human Rights (01/2012):* [Doc. 12811](#), [Resolution 1856 \(2012\)](#) and [Recommendation 1991 \(2102\)](#)

- *Ad hoc judges at the European Court of Human Rights: an overview (11/2011)*: [Doc. 12827](#)
- *National parliaments: guarantors of human rights in Europe (06/2011)*: [Doc. 12636](#) and [Resolution 1823 \(2011\)](#)
- *Interpretative authority (“Res interpretata”) and the principle of subsidiarity under the Convention (11/2010)*: [AS/Jur/Inf \(2010\) 04](#)
- *National procedures for the selection of candidates for the European Court of Human Rights (10/2010)*: [Doc. 12391](#) and [Resolution 1764 \(2010\)](#), see also the Report on *Nomination of candidates and election of judges to the European Court of Human Rights (11/2008)*: [Doc. 11767](#) and [Resolution 1646 \(2009\)](#), as well as the report on *candidates for the European Court of Human Rights* [Doc. 11682](#) and [Resolution 1627 \(2008\)](#)
- *Human rights and business (10/2010)*: [Doc. 12361](#), [Resolution 1757 \(2010\)](#) and [Recommendation 1936 \(2010\)](#)
- *The need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights (05/2010)*: [Doc. 12272](#), [Resolution 1756 \(2010\)](#), [Recommendation 1935 \(2010\)](#)
- *The accession of the European Union to the ECHR should guarantee a coherent Europe-wide system of human rights protection (04/2008)*: [Doc. 11533](#), [Resolution 1610 \(2008\)](#) and [Recommendation 1834 \(2008\)](#)

Work in progress: The issue of EU accession to the European Convention on Human Rights and the election of judges in the context of EU accession is on the Committee’s agenda. The Committee also has a brief to present a new 10th report on the implementation of the Strasbourg Court’s judgments. The Committee has recently adopted a report entitled: ‘Compatibility of Sharia law with the European Convention on Human Rights: can States Parties to the Convention be signatories of the “Cairo Declaration”?’.

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Respect for human rights in the fight against terrorism

The Committee has always condemned all forms of terrorism. In its reports, the Committee has insisted that terrorism can and must be combated effectively by means that fully respect human rights and the rule of law.

- *Counter-narratives to terrorism (01/2018)*: [Doc. 14531](#) and [Doc. 14558](#), [Resolution 2221 \(2018\)](#) and [Recommendation 2131 \(2018\)](#)
- *Drones and targeted killing: the need to uphold human rights and international law (03/2015)*: [Doc. 13731](#), [Resolution 2051 \(2015\)](#) and [Recommendation 2069 \(2015\)](#)
- *Mass surveillance (01/2015)*: [Doc. 13734](#), [Resolution 2045 \(2015\)](#) and [Recommendation 2067 \(2015\)](#)
- *Witness protection as an indispensable tool in the fight against organised crime and terrorism in Europe (10/2014)*: [Doc. 13647](#), [Resolution 2038 \(2015\)](#) and [Recommendation 2063 \(2015\)](#)
- *National security and access to information (06/2013)*: [Doc. 13293](#), [Resolution 1954 \(2013\)](#) and [Recommendation 2024 \(2013\)](#)
- *Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations (10/2011)*: [Doc. 12714](#), [Resolution 1838 \(2011\)](#) and [Recommendation 1983 \(2011\)](#)
- *Human rights and the fight against terrorism (10/2011)*: [Doc. 12712](#) and [Resolution 1840 \(2011\)](#)
- *AS/Jur request for submission of comments before the European Court of Human Rights in the form of a third-party intervention in case on the compatibility of UN Security Council [terrorist] Black Lists with the Convention (12/2010)*: [AS/Jur/Inf \(2010\) 05](#)

- *Proposed 42-day pre-charge detention in the United Kingdom (10/2008):* [Doc. 11725](#) and [Resolution 1634 \(2008\)](#)
- *United Nations Security Council and European Union blacklists (01/2008):* [Doc. 11454](#) + [Addendum, Resolution 1597 \(2008\)](#) and [Recommendation 1824 \(2008\)](#)
- *Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report (06/2007):* [Doc. 11302](#) + [Addendum, Resolution 1562 \(2007\)](#) and [Recommendation 1801 \(2007\)](#)
- *Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member States (06/2006):* [Doc. 10957](#) + [Addendum, Resolution 1507 \(2006\)](#) and [Recommendation 1754 \(2006\)](#), as well as the [timeline of the Council of Europe's investigation](#)

Work in progress: The Committee has recently adopted a report on 'withdrawing citizenship as a measure to combat terrorism: a human rights-compatible approach?'.

Combating impunity

Impunity for grave human rights violations has been condemned in a number of reports adopted or being prepared by the Committee.

- *The crash of Polish Air Force Tu-154M transporting the Polish State delegation, on 10 April 2010 on the Russian Federation's territory (10/2018):* [Doc. 14607](#) and [Resolution 2246 \(2018\)](#)
- *Ukrainian citizens detained as political prisoners by the Russian Federation (06/2018):* [Doc. 14591](#) and [Resolution 2231 \(2018\)](#)
- *Fighting organised crime by facilitating the confiscation of illegal assets (04/2018):* [Doc. 14516](#) and [Resolution 2218 \(2018\)](#)
- *Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh (09/2017):* [Doc. 14402 \(2017\)](#) and [Resolution 2190 \(2017\)](#)
- *Legal remedies to human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities (09/2016):* [Doc. 14139](#) and [Resolution 2133 \(2016\)](#)
- *Co-operation with the International Criminal Court: towards a concrete and expanded commitment (09/2016):* [Doc. 14136](#) and [Resolution 2134 \(2016\)](#)
- *Judicial Corruption: urgent need to implement the Assembly's proposals (06/2016):* [Doc. 13824, Resolution 2098 \(2016\)](#) and [Recommendation 2087 \(2016\)](#)
- *Human rights in the North Caucasus: what follow-up to [Resolution 1738 \(2010\)](#)? (06/2016):* [Doc. 14083](#) and [Resolution 2157 \(2017\)](#)
- *Improving the protection of whistle-blowers (06/2015):* [Doc. 13791, Resolution 2060 \(2015\)](#) and [Recommendation 2073 \(2015\)](#)
- *Refusing impunity of the killers of Sergei Magnitsky (09/2013):* [Doc. 13356 + Addendum, Resolution 1966 \(2014\)](#) and [Recommendation 2031 \(2014\)](#)
- *Corruption as a threat to the rule of law (05/2013):* [Doc. 13228, Resolution 1943 \(2013\)](#) and [Recommendation 2019 \(2013\)](#)
- *Keeping political and criminal responsibility separate (04/2013):* [Doc. 13214](#) and [Resolution 1950 \(2013\)](#)
- *The definition of political prisoner (10/2012):* [Doc. 13011](#) and [Resolution 1900 \(2012\)](#)

- *The International Convention for the Protection of all Persons from Enforced Disappearances (03/2012):* [Doc. 12880](#) and [Resolution 1868 \(2012\)](#) and [Recommendation 1995 \(2012\)](#)
- *Strengthening torture prevention mechanisms in Europe (04/2011):* [Doc. 12551](#), [Resolution 1808 \(2011\)](#) and [Recommendation 1968 \(2011\)](#)
- *Inhuman treatment of people and illicit trafficking in human organs in Kosovo¹ (01/2011):* [Doc.12462](#) and [Resolution 1782 \(2011\)](#)
- *The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans (01/2011):* [Doc. 12440](#), [Resolution 1784 \(2011\)](#) and [Recommendation 1952 \(2011\)](#)
- *The obligation of member and observer states of the Council of Europe to co-operate in the prosecution of war crimes (01/2011):* [Doc. 12454](#), [Resolution 1785 \(2011\)](#) and [Recommendation 1953 \(2011\)](#)
- *Allegations of politically-motivated abuses of the criminal justice system in Council of Europe member States(09/2009):* [Doc. 11993](#) and [Resolution 1685 \(2009\)](#); see also *Threats to the rule of law in Council of Europe member states: asserting the Parliamentary Assembly's authority (Doc. 13713)*
- *The state of human rights in Europe: the need to eradicate impunity (06/2009):* [Doc. 11934](#), [Resolution 1675 \(2009\)](#) and [Recommendation 1876 \(2009\)](#)
- *Protection of human rights in emergency situations (04/2009):* [Doc. 11858](#), [Resolution 1659 \(2009\)](#) and [Recommendation 1865 \(2009\)](#)
- *Investigations of crimes allegedly committed by high officials during the Kuchma rule in Ukraine - the Gongadze case as an emblematic example (01/2009):* [Doc. 11686](#), [Resolution 1645 \(2009\)](#) and [Recommendation 1856 \(2009\)](#)

Work in progress: The Committee is currently preparing reports *inter alia* on ‘Sergei Magnitsky and beyond – fighting impunity by targeted sanctions’, ‘The need to shed light on the background of the murder of Boris Nemtsov’, ‘The continuing need to restore human rights and the rule of law in the North Caucasus region’, ‘New challenges in the fight against organised crime and money laundering – the need to improve international co-operation’, ‘Daphne Caruana Galizia’s assassination and the rule of law, in Malta and beyond: ensuring that the whole truth emerges’, ‘Improving the protection of whistleblowers all over Europe’; ‘Urgent need to strengthen Financial Intelligence Units – Sharper tools needed to improve confiscation of illegal assets’, ‘Fighting corruption – General principles of political responsibility’ and ‘Political prisoners in Azerbaijan’.

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Upholding human rights standards and the rule of law

The Committee reiterates in its work the need for member states to respect human rights standards in all fields of action.

The Assembly’s General Rapporteur the abolition of the death penalty and the General Rapporteur on the situation of human rights defenders are nominated by the Committee. Their frequent statements are available on [the Committee's website](#).

- *Deal-making in criminal proceedings: the need for minimum standards for trial waiver systems (10/2018):* [Doc. 14618](#), [Resolution 2245 \(2018\)](#) and [Recommendation 2142 \(2018\)](#)
- *New restrictions on NGO activities in Council of Europe member States (06/2018):* [Doc. 14570](#), [Resolution 2226 \(2018\)](#) and [Recommendation 2134 \(2018\)](#)
- *Protecting human rights defenders in Council of Europe member States (06/2018):* [Doc. 14567](#), [Resolution 2225 \(2018\)](#) and [Recommendation 2133 \(2018\)](#)

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council [Resolution 1244](#) and without prejudice to the status of Kosovo.

- *Legal challenges related to hybrid war and human rights obligations (04/2018): [Doc. 14523](#), [Resolution 2217 \(2018\)](#) and [Recommendation 2130 \(2018\)](#)*
- *Strengthening international regulations against trade in goods used for torture and the death penalty (01/2018): [Doc. 14454](#) and [Recommendation 2123 \(2018\)](#)*
- *Jurisdictional immunity of international organisations and rights of their staff (01/2018): [Doc. 14443](#), [Resolution 2206 \(2018\)](#) and [Recommendation 2122 \(2018\)](#)*
- *The case for drafting a European convention on the profession of lawyer (01/2018): [Doc. 14453](#) and [Recommendation 2121 \(2018\)](#)*
- *New threats to the rule of law in Council of Europe member States: selected examples (09/2017): [Doc. 14405 \(2017\)](#) and [Resolution 2188 \(2017\)](#)*
- *Venice Commission's "Rule of Law Checklist" (07/2017): [Doc. 14387 \(2017\)](#) and [Resolution 2187 \(2017\)](#)*
- *Azerbaijan's Chairmanship of the Council of Europe: What follow-up on respect for human rights? (09/2017): [Doc. 14397 \(2017\)](#) and [Resolution 2185 \(2017\)](#)*
- *Abusive use of the Interpol system: the need for more stringent legal safeguards (03/2017): [Doc. 14277](#) and [Resolution 2161 \(2017\)](#)*
- *25 years of the CPT: achievements and areas for improvement (03/2017): [Doc. 14280 \(2017\)](#), [Resolution 2160 \(2017\)](#) and [Recommendation 2100 \(2017\)](#)*
- *Draft protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (ETS No. 167) (03/2017): [Doc. 14281 \(2017\)](#) and [Opinion 295 \(2017\)](#)*
- *Human rights compatibility of investor-State arbitration in international investment protection agreements (12/2016), [Doc. 14225](#) and [Resolution 2151 \(2017\)](#)*
- *Securing access of detainees to lawyers (12/2016): [Doc. 14267 \(2017\)](#) and [Resolution 2154 \(2017\)](#)*
- *Urgent need to prevent human rights violations during peaceful protests (05/2016): [Doc. 14060](#) and [Resolution 2116 \(2016\)](#)*
- *Administrative detention (06/2016): [Doc. 14079](#) and [Resolution 2122 \(2016\)](#)*
- *Transparency and openness in European institutions (06/2016): [Doc. 14075](#), [Resolution 2125 \(2016\)](#) and [Recommendation 2094 \(2016\)](#)*
- *Strengthening the protection and role of human rights defenders in Council of Europe member States (12/2015): [Doc.13943](#), [Resolution 2095 \(2016\)](#) and [Recommendation 2085 \(2016\)](#)*
- *How to prevent inappropriate restrictions on NGO activities in Europe (12/2015): [Doc. 13940](#), [Resolution 2096 \(2016\)](#) and [Recommendation 2086 \(2016\)](#)*
- *The fate of critically ill detainees in Europe (11/2015): [Doc. 13919](#), [Resolution 2082 \(2015\)](#) and [Recommendation 2082 \(2015\)](#)*
- *Access to justice and the Internet: potential and challenges (11/2015): [Doc. 13918](#) and [Resolution 2081 \(2015\)](#)*
- *Abuse of pretrial detention in States Parties to the European Convention on Human Rights (10/2015): [Doc. 13863](#), [Resolution 2077 \(2015\)](#) and [Recommendation 2081 \(2015\)](#)*
- *Threats to the Rule of Law in Council of Europe member states: asserting the Parliamentary Assembly's authority (12/2014): [Doc. 13713](#) and [Resolution 2040 \(2015\)](#)*

- *Measures to prevent the abusive use of the Convention on the Transfer of Sentenced Persons (ETS No. 112) (05/2014):* [Doc. 13540](#), [Resolution 2022 \(2014\)](#) and [Recommendation 2057 \(2014\)](#)
- *The protection of minors against excesses of sects (03/2014):* [Doc. 13441](#), [Resolution 1992 \(2014\)](#)
- *Revision of the European Convention on Transfrontier Television (12/2013):* [Doc. 13383](#), [Resolution 1978 \(2014\)](#) and [Recommendation 2036 \(2014\)](#)
- *Access to nationality and the effective implementation of the European Convention on Nationality (10/2013):* [Doc. 13392](#), [Resolution 1989 \(2014\)](#) and [Recommendation 2042 \(2014\)](#)
- *Strengthening the institution of ombudsman in Europe (05/2013):* [Doc. 13236](#) and [Resolution 1959 \(2013\)](#)
- *The participation of non-member States in Council of Europe conventions (04/2013):* [Doc. 13291](#), [Resolution 1961 \(2013\)](#) and [Recommendation 2029 \(2013\)](#)
- *Promoting alternatives to imprisonment (03/2013):* [Doc.13174](#), [Resolution 1938 \(2013\)](#) and [Recommendation 2018 \(2013\)](#)
- *The inadmissibility of restrictions on freedom of movement as punishment for political positions (06/2012):* [Doc. 12943](#) and [Resolution 1894 \(2012\)](#)
- *Enforced population transfer as a human rights violation (01/2012):* [Doc. 12819](#) and [Resolution 1863 \(2012\)](#)
- *National sovereignty and statehood in contemporary international law: the need for clarification (10/2011):* [Doc. 12689](#) and [Resolution 1832 \(2011\)](#)
- *The death penalty in Council of Europe member and observer States: a violation of human rights (04/2011):* [Doc. 12456](#) and [Resolution 1807 \(2011\)](#)

Work in progress: The Committee is currently preparing reports on: ‘Human rights situation in the occupied regions of Georgia’, ‘Protecting human rights during transfers of prisoners’, ‘Ensuring greater follow-up of CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments’, ‘The principles and guarantees of advocates’, ‘Extradition requests and the abuse of process’, ‘Ombudsman Institutions in Europe – the need for a set of common standards’, ‘Restrictions on NGO activities in Council of Europe member States’, ‘Drug policy and human rights in Europe: a baseline study’, ‘The protection of freedom of religion or belief in the workplace’, ‘Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?’ and ‘Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems’.