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## Committee on Legal Affairs and Human Rights

# Work programme<sup>1</sup>

### Contents:

I.	Timetable of meetings and proposed order for the presentation of reports in 2020 .....	2
II.	Work programme .....	3
	A. Reports/Opinions tabled but not yet debated.....	3
	B. Reports under preparation.....	3
	i. Human rights.....	3
	ii. Reinforcement of the Rule of Law.....	5
	iii. Other matters .....	7
	C. Reports on which the Committee is seized for opinion .....	9
III.	General Rapporteurships.....	11
IV.	Bureaux of the Committee and of the Sub-Committees.....	144
V.	Representation of the Committee at various events in 2020.....	144
	Appendix: Terms of reference of the Committee and its Sub-Committees .....	166

*This document indicates forthcoming events relevant to the committee's work programme and is regularly up-dated. It is not restricted to events in which the committee itself necessarily takes part or is represented.*

*Members are invited to let the Committee Secretariat know of items of particular interest.*

**Please note that all details are subject to separate confirmation.**

<sup>1</sup> See also the "[Work of the Committee on Legal Affairs and Human Rights \(AS/Jur\): an overview](#)"

## I. Timetable of meetings and proposed order for the presentation of reports in 2021

14 September 2021      Committee on Legal Affairs and Human Rights  
Hybrid

### **Priorities for 2021:**

- Implementation of the European Convention on Human Rights: shared responsibility
- Reinforcing European human rights standards and upholding the rule of law

## II. Work programme

### EXPIRY DATES FOR ADOPTION OF REPORTS

Following the decision of the Bureau on 01.02.2021 to extend the deadline of references by a further 6 months, the deadlines below have been aligned to reflect this decision.

#### A. Reports/Opinions tabled but not yet debated

##### 1. Addressing issues of criminal and civil liability in the context of climate change

Rapporteur: Mr Ziya Altunyaldiz, Turkey, NR (appointed on 09.11.2020)

- Origin: Bureau decision, Reference 4530 of 15.09.2020
- Expiry date for adoption: 15.03.2023
- Presentation to the Assembly foreseen: 2021 – Fourth part session
- State of work:

08.12.2020: the committee considered an introductory memorandum. It agreed to the Rapporteur's requests to hold a hearing with up to three experts at a future meeting (subject to the availability of funds) and to send a questionnaire to national parliaments via the European Centre for Parliamentary Research and Documentation (ECPRD). It also agreed to open the forthcoming hearing foreseen for the next meeting to the public, provided that the invited experts do not object.

19.01.2021: the committee held a hearing with the participation of:

Ms Sibel Kulaksiz, Senior Economist and Task Team Leader, World Bank,  
 Professor Marta Torre-Schaub, Research Director, *Institut des sciences juridique et philosophique de la Sorbonne, Université Paris 1 Panthéon-Sorbonne*,  
 Mr Jesper Hjortenberg Chair of the Council of Europe's European Committee on Crime Problems (CDPC).

17.05.2021: the committee considered a draft report and adopted a draft resolution and a draft recommendation, the latter unanimously;

##### 2. The climate crisis and the rule of law

(formerly Climate change and the rule of law: baseline study)

Rapporteur for opinion: Mr Norbert Kleinwaechter, Germany, NR, (appointed on 30.01.2020)

Rapporteur: Ms Edite Estrela, Portugal, SOC (appointed 03.12.2019)

- Origin: Doc 14972 Reference 4475 of 29.11.2019
- Expiry date for adoption: 28.11.2022
- Presentation to the Assembly foreseen: 2021 - Fourth part-session
- State of work:

17.05.2021: the committee considered and approved its opinion

#### B. Reports under preparation

##### i. Human rights

##### 1. The continuing need to restore human rights and the rule of law in the North Caucasus region

Rapporteur: Mr Frank Schwabe, Germany, SOC (appointed on 12.12.2017)

- Origin: Doc. 14382 Reference 4333 of 13.10.2017
- Expiry date for adoption: 30.09.21
- Presentation to the Assembly foreseen: 2022 – First part session
- State of work:

14.03.2018: in the absence of the rapporteur, the committee agreed to postpone consideration of his introductory memorandum to the April 2018 part-session and authorised the rapporteur's request for a fact-finding visit to the Russian Federation, including the North Caucasus region, subject to the availability of funds.

- 24.04.2018: in anticipation of the joint hearing in the afternoon of 24 April 2018 with the Committee on Equality and Non-Discrimination on “*Alleged extreme discrimination and crimes against LGBTI people in the Chechen Republic (Russian Federation)*”, the committee agreed to share the rapporteur’s introductory memorandum with members of the Committee on Equality and Non-Discrimination.
- 24.04.2018: the committee held a joint hearing with the Committee on Equality and Non-Discrimination with the participation of Mr Igor Kochetkov, Chairperson of the Russian LGBT Network, Saint Petersburg, and Ms Tanya Lokshina, Russia Programme Director, Human Rights Watch, Moscow, Russian Federation, in the framework of the preparation of this report and that of the Committee on Equality and Non-Discrimination on “*Alleged extreme discrimination and crimes against LGBTI people in the Chechen Republic (Russian Federation)*” (Rapporteur: Mr Piet de Bruyn, Belgium, NR).
- 26.04.2018: the committee considered an introductory memorandum.
- 10.09.2018: the committee held a hearing with the participation of Mr Grigory Shvedov, editor-in-chief, *Caucasian Knot*, and Ms Ekaterina Sokirianskaia, Founder and Director of the Conflict Analysis and Prevention Centre, Istanbul, Turkey.
- 25.06.2019: the committee held a hearing with the participation of: Ms Joanna Evans, Barrister, Legal Director, European Human Rights Advocacy Centre (EHRAC) School of Law, Middlesex University, United Kingdom; Dr Rebecca Gowland, Associate Professor (Reader) in Human Bioarchaeology, Department of Archaeology, Durham University, United Kingdom; Mr Tim Thompson, Professor of Applied Biological Anthropology and Associate Dean (Learning & Teaching) School of Science, Engineering & Design, Teesside University, United Kingdom; Mr Fredrik Sundberg, Head of Department Ad Interim, Department for the execution of judgments of the European Court of Human Rights, Directorate General 1 – Human Rights and Rule of Law, Council of Europe.
- 18-20.09.2019: the Rapporteur carried out a fact-finding mission to Moscow and Grozny (Russian Federation)
- 30.09.2019: the committee took note of the Rapporteur’s oral report on his visit to Moscow and Grozny (Russian Federation) on 18-20 September 2019. It authorised the rapporteur to conduct a further fact-finding visit to the Russian Federation, including the Republics of Ingushetia and Dagestan (subject to the availability of funds) and agreed to request the Bureau to authorise an extension of the reference for this report until 31 March 2020.
- 15.11.2019: the committee authorised a committee hearing with victims of persecution in the Chechen Republic (Russian Federation), including persons appearing anonymously, and authorised the rapporteur to conduct separate, supplementary interviews with anonymous victims.
- 28.01.2020: the committee held a hearing with the participation of:  
 Ms Neamat Abumuslimova, witness  
 Mr Amin Dzhabrailov, witness (by video conference)  
 Mr Ibragim Yangulbayev, witness  
 Mr Oleg Orlov, head of Human Rights Center Memorial’s program “Hot spots”, Moscow, Russian Federation  
 and agreed to request the Bureau to authorise the extension of the reference until 30 September 2020 to allow for the second visit to the region, previously postponed at the request of the Russian delegation.

## **2. Celebrating the 70<sup>th</sup> anniversary of the Geneva conventions: the contribution of the Council of Europe to the increasing synergy between International Humanitarian Law and International Human Rights Law**

Rapporteur: Lord Balfe, United Kingdom, NR (appointed on 01.10.2019)

- Origin: Doc. 14925, Reference 4464 of 30.09.2019
- Expiry date for adoption: 30.09.2022
- Presentation to the Assembly foreseen: 2021 – November Standing Committee
- State of work:

- 08.12.2020: the committee considered an introductory memorandum and agreed to the Rapporteur’s request to hold a hearing with experts at a future meeting (subject to the availability of funds)
- 27.01.2021: the committee agreed that the hearing at the next meeting should be open to the public, subject to the agreement of the invited speakers.
- 22.03.2021: the committee heard a statement by the Rapporteur and agreed to his proposal to present a preliminary draft report without the previously authorised hearing with experts before the Committee.

### 3. **The implementation of judgments of the European Court of Human Rights – 11<sup>th</sup> report** Rapporteur: Mr Constantinos Efstathiou, Cyprus, SOC (appointed on 19.04.2021)

- Origin: Bureau decision Reference 4560 of 19.03.21
- Expiry date for adoption: 19.03.2023
- Presentation to the Assembly foreseen:
- State of work:

### 4. **The impact of the Covid-19 pandemic on prison population in Europe** Rapporteur: Mr Givi Mikanadze, Georgia, SOC (appointed on 19.04.2021)

- Origin: Doc. 15224, Reference 4566 of 19.03.21
- Expiry date for adoption:
- Presentation to the Assembly foreseen:
- State of work:

### 5. **The impact of the Covid-19 restrictions for civil society space and activities** Rapporteur: Ms Alexandra Louis, France, ALDE (appointed on 22.06.2021)

- Origin: Doc. 15273, Reference 4585 of 28.05.2021
- Expiry date for adoption: 28.05.2023
- Presentation to the Assembly foreseen: 2022 – Third part session
- State of work:

## ii. **Reinforcement of the Rule of Law**

### 6. **Fighting corruption – General principles of political responsibility**

Rapporteur: Mr Sergiy Vlasenko, Ukraine, EPP/CD (re-appointed on 30.01.2020, previously appointed on 13.12.18; Ukrainian delegation was absent from the Assembly between end of June and January 2020)

- Origin: Doc. 14639, Reference 4412 of 23.11.2018
- Expiry date for adoption: 23.11.2021
- Presentation to the Assembly foreseen: 2021 – November Standing Committee
- State of work:

29.06.2020: the committee considered an introductory memorandum and agreed, subject to the availability of funds, to the rapporteur's requests to hold a hearing with representatives of GRECO, MONEYVAL, the World Bank, Transparency International and the International Consortium of Investigative Journalists (ICIJ) and to carry out a fact-finding visit to Iceland.

17.05.2021: held a hearing, open to the public, with the participation of:

Mr Michael Hudson, Senior Editor, International Consortium of Investigative Journalists  
Mr Drago Kos, Chair of the OECD Working Group on Bribery, former Chair of GRECO  
Mr Paul Radu, co-founder - Organized Crime and Corruption Reporting Project  
and agreed to the declassification of the Rapporteur's introductory memorandum;

### 7. **Ending enforced disappearances on the territory of the Council of Europe** Rapporteur: Mr André Gattolin, France, NR (appointed on 29.05.2019)

- Origin: Doc. 14816, Reference 4437 of 12.04.2019
- Expiry date for adoption: 12.04.2022
- Presentation to the Assembly foreseen: 2022 – First part session
- State of work:

10.12.2019: the committee considered an introductory memorandum and authorised the rapporteur to carry out a fact-finding visit to the United Nations Office of the High Commissioner for Human Rights

in Geneva (Switzerland) and to organise a hearing at a future meeting with up to three experts (both subject to the availability of funds).

22.06.2021: the committee agreed that the above mentioned hearing be open to the public, provided the invited experts agree

## **8. How to put confiscated criminal assets to good use?**

Rapporteur: Mr André Vallini, France, SOC (appointed on 29.05.2019)

- Origin: Doc. 14841, Reference 4443 of 12.04.2019
- Expiry date for adoption: 12.04.2022
- Presentation to the Assembly foreseen: 2022 – March Standing Committee
- State of work:

15.11.2019: the committee considered an introductory memorandum and agreed to authorise the Rapporteur to carry out a fact-finding visit to Italy and to hold a hearing with up to three experts before the Committee (both subject to availability of funds).

## **9. Poisoning of Alexei Navalny**

Rapporteur: Mr Jacques Maire, France, ALDE (appointed on 14.10.2020)

- Origin: Doc. 15155, Reference 4539 of 12.10.2020
- Expiry date for adoption: 12.04.2023
- Presentation to the Assembly foreseen: 2022 – Second part session
- State of work:

08.12.2020: the committee considered an introductory memorandum. It agreed to the Rapporteur's proposals to conduct a fact-finding visit to Germany, to organize a hearing with experts (open to the public, provided that the invited experts do not object) at a future meeting (both subject to the availability of funds), and to receive information from sources on condition of anonymity.

17-18.12.2020: the Rapporteur carried out a fact-finding visit to Berlin (Germany).

19.01.2021: the committee held a hearing with the participation of:

Mr Leonid Volkov, Campaign Manager for Mr Alexi Navalny, Founder of the Anti-corruption Foundation,

Mr Christo Grozev, Lead investigator, Bellingcat,

The committee authorised the rapporteur to conduct a fact-finding visit to the Russian Federation, and asked the Chair to send a letter to the President requesting an urgent debate during the January part-session 2021 on "The arrest and detention of Alexei Navalny in January 2021".

27.01.2021: The committee agreed to hold a second hearing on the subject at a future meeting and that it be open to the public, subject to the agreement of the invited speakers.

## **10. Fighting and preventing excessive and unjustified use of force by the law enforcement officers**

Rapporteur: Mr Oleksandr Merezhko, Ukraine, SOC (appointed on 14.10.2020)

- Origin: Doc. 15137, Reference 4534 of 12.10.2020
- Expiry date for adoption: 12.04.2023
- Presentation to the Assembly foreseen: 2022 – Second part session
- State of work:

21.04.21: the committee considered an introductory memorandum. It agreed to hold a hearing with experts at a future meeting, subject to the availability of funds, and took note of the Rapporteur's intention to consult other relevant experts, as necessary, at no cost to the Assembly.

22.06.2021: the committee agreed that the above mentioned hearing be open to the public, provided the invited experts agreed

### iii. Other matters

#### 11. Misuse of the Schengen system by Council of Europe member States as a politically-motivated sanction

Rapporteur: Ms Irina Rukavishnikova, Russian Federation, NR, (appointed on 15.11.2019) (former rapporteur: Ms Olena Sotnyk, Ukraine, ALDE (appointed on 04.03.2019))

- Origin: Doc. 14652, Reference 4417 of 21.01.2019
- Expiry date for adoption: 21.01.2022
- Presentation to the Assembly foreseen: 2022 – March Standing Committee
- State of work:

25.03.2020: by a written consultation procedure on the Rapporteur's introductory memorandum, the Rapporteur's requests to organise a hearing at a forthcoming meeting with up to three experts, to carry out a fact-finding visit to Brussels and to send a questionnaire via the ECPRD to Council of Europe member States taking part in SIS II were agreed.

05.06.2020: the committee considered a revised introductory memorandum and approved a revised draft questionnaire to be sent to national delegations through the European Centre for Parliamentary Research and Documentation (ECPRD). It noted that the rapporteur's request for the authorisation of a hearing with up to three experts and of a fact-finding visit to Brussels has been approved in the written consultation procedure, both subject to the availability of funds.

22.06.2021: the committee agreed that the above mentioned hearing be open to the public, provided the invited experts agreed

#### 12. Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe

Rapporteur: Mr Pieter Omtzigt, the Netherlands, EPP/CD (01.10.2019)

- Origin: Doc. 14878, Reference 4452 of 24.06.2019
- Expiry date for adoption: 24.06.2022
- Presentation to the Assembly foreseen: tbc.
- State of work:

10.12.2019: the committee heard a statement by the Rapporteur and authorised him to organise a hearing with the Council of Europe Commissioner for Human Rights and another expert at a forthcoming committee meeting, subject to the availability of funds, and to send a questionnaire to national parliaments via the European Centre for Parliamentary Research and Documentation (ECPRD).

30.01.2020: the committee agreed to make a forthcoming hearing on the subject open to the public.

09.11.2020: the committee held a hearing with the participation of:  
Mr Sinan Can, Investigative journalist/ documentary director, Dutch public television BNNVARA, the Netherlands,  
Dr. Lars Otte, Senior public prosecutor, Office of the Federal Prosecutor General at the Federal Court of Justice, Germany.

08.12.2020: The committee agreed to open the forthcoming hearing foreseen for the next meeting to the public, provided that the invited experts do not object.

#### 13. Ensuring accountability for the downing of flight MH 17

Rapporteur: Mr Titus Corlăţean, Romania, SOC (appointed on 01.10.2019)

- Origin: Doc. 14929, Reference 4460 of 28.06.2019
- Expiry date for adoption: 28.06.2022
- Presentation to the Assembly foreseen: 2022 – Third part session
- State of work:

10.12.2019: the committee heard a declaration from the Rapporteur of absence of conflict of interests and heard a statement on his understanding of his mandate.

28.01.2020: the committee considered an introductory memorandum and agreed to declassify it. It authorised the rapporteur to put written questions to the Russian Federation and the United States of America, and to carry out fact-finding visits to the Netherlands and to Ukraine.

#### **14. Legal aspects of the accession of the European Union to the European Convention on Human Rights**

Rapporteur: Mr Titus Corlăţean, Romania, SOC (appointed on 29.06.2020)

- Origin: Doc. 15014, Reference 4488 of 27.01.2020
- Expiry date for adoption: 27.01.2023 (original deadline: 27.01.2022)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

#### **15. Emergence of lethal autonomous weapons systems (LAWS) and their necessary apprehension through European human rights law**

Rapporteur: Mr Fabien Gouttefarde, France, ALDE (appointed on 29.06.2020)

- Origin: Doc. 14945, Reference 4479 of 27.01.2020
  - Expiry date for adoption: 27.01.2023
  - Presentation to the Assembly foreseen: 2022 – Third part session
  - State of work:
- 19.01.21: the committee considered an introductory memorandum and agreed to the Rapporteur's request for a hearing with up to three experts at a future meeting, subject to the availability of funds, and his intention to consult other experts bilaterally.

#### **16. Political prisoners in the Russian Federation**

Rapporteur: Ms Thorhildur Sunna Ævarsdóttir, Iceland, SOC (appointed on 29.06.2020)

- Origin: Doc. 15049, Reference 4501 of 06.03.2020
  - Expiry date for adoption: 06.03.2023 (original deadline: 06.03.2022)
  - Presentation to the Assembly foreseen: 2022 – Second part session
  - State of work:
- 14.10.2020: the committee considered an introductory memorandum and agreed to hold a hearing with up to 4 experts including a representative of the Russian authorities during a forthcoming meeting.
- 09.11.2020: the committee agreed to open the hearing foreseen for 8 December 2020 to the public, subject to the agreement of the speakers.
- 08.12.2020 the committee held a hearing with the participation of:  
 Ms Karinna Moskalenko, Director, International Protection Centre, Moscow, Russian Federation  
 Mr Sergey Davidis, head of the programme "Support of Political Prisoners", Memorial Human Rights Centre, Moscow, Russian Federation  
 Mr Tony Brace, Chair, Religious Freedom Subcommittee, The European Association of Jehovah's Witnesses, Chelmsford, UK
- 22.03.21: the committee held a hearing with the participation of:  
 Mr Mikhail Khodorkovsky, leader of the opposition group Open Russia, and former 'prisoner of conscience' according to Amnesty International,  
 Professor Bill Bowring, Professor of Law at Birkbeck College, University of London, and Barrister;  
 and took note of the letter sent by the head of the Russian delegation to the Rapporteur and was informed of a response to that letter sent by the head of the Spanish delegation.

#### **17. Draft Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence**

Rapporteur: Mr Kamal Jafarov (Azerbaijan, EC/DA) (appointed on 22.06.2021)

- Origin: Doc. 15316, Reference 4593 of 21.06.2021
  - Expiry date for adoption: 21.06.2023
  - Presentation to the Assembly foreseen: 2021 - Fourth part-session
  - State of work:
- 22.06.2021: the committee agreed to hold a hearing at a future meeting and to invite experts (subject to the availability of funds) and decided that the hearing be open to the public, provided the invited experts agree



## C. Reports on which the Committee is seized for opinion

### ***Committee on Political Affairs and Democracy:***

#### **18. Accession of Belarus to the Council of Europe**

Rapporteur for opinion: to be appointed

Rapporteur: to be appointed

- Origin: Request for an opinion from the Committee of Ministers, Doc 6814, Reference 1864 of 10.05.1993
- Expiry date for adoption:
- Presentation to the Assembly foreseen: t.b.c.
- State of work:  
17.12.1998: Bureau decided to freeze the membership procedure.  
30.01.2004: Bureau rejected granting special guest status to the Parliament of Belarus.

#### **19. Reshaping the foundations of multilateralism (t.b.c. /pending)**

Rapporteur for opinion: to be appointed

Rapporteur: to be appointed

- Origin: Doc. 14588, Reference 4397 of 08.10.2018
- Expiry date for adoption: 08.10.2021
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

#### **20. Fostering healthy democracies in Europe**

Rapporteur for opinion: Mr Vladimir Vardanyan, Armenia, EPP/CD (appointed on 01.10.2019)

Rapporteur: Ms Marie-Christine Dalloz France, EPP/CD (appointed on 25.06.2019)

- Origin: Doc. 14823, Reference 4441 of 12.04.2019
- Expiry date for adoption: 12.04.2022
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

#### **21. Review of the partnership for democracy in respect of the Parliament of the Kyrgyz Republic**

Rapporteur for opinion: Mr Serhii Kalchenko, Ukraine, EC/DA (appointed on 17.05.2021)

Rapporteur: Mr Jacques Maire, France, ALDE (appointed on 21.04.2021)

- Origin: Doc. 15184, Reference 4551 of 01.02.2021
- Expiry date for adoption: 25.07.2023
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

#### **22. Call for an inclusive national political process in Belarus**

(taking into account the motion for resolution on "Belarus state terrorism as a threat to the whole European continent)

Rapporteur for opinion: to be appointed

Rapporteur : Mr Kimmo Kiljunen, Finland, SOC

- Origin: Doc. 15319, Reference 4594 of 24.06.2021
- Expiry date for adoption: 24.06.2023
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

***Committee on Culture, Science, Education and Media***

**23. Track and trace applications: ethical, cultural and educational challenges**

Rapporteur for opinion: Mr Vladimir Vardanyan, Armenia, EPP/CD (appointed on 19.01.2021)

Rapporteur: Mr Duncan Baker (United Kingdom, EC/DA)

- Origin: Doc 15165 Reference 4543 of 20.11.2021
- Expiry date for adoption: 20.05.2023
- Presentation to the Assembly foreseen:
- State of work:

### III. General Rapporteurships

1. **General Rapporteur on the abolition of the death penalty:** Mr Vladimir Vardanyan (Armenia, EPP/CD) (appointed on 08.12.2020, mandate effective from 14.12.2020)

- **Term of office:** one year renewable, subject to a maximum of two years.

The general rapporteur on abolition of the death penalty is mandated to intervene in matters relating to the abolition of the death penalty in different contexts (member and observer states, partners for democracy, states applying for such a status). He or she shall report periodically to the committee on the information collected and the action taken.

#### Responsibilities:

The role of the general rapporteur is to:

- follow activities and maintain working relations with different Council of Europe bodies dealing with issues relating to the abolition of the death penalty (including the Committee of Ministers, the Commissioner for Human Rights, the Committee for the Prevention of Torture and relevant departments of the Council of Europe Secretariat);
- follow activities and maintain working relations with Council of Europe observer states, partners for democracy and other states applying for such status, seeking advice as necessary from international organisations working in the field;
- represent the Committee on behalf of the Assembly when relevant and appropriate;
- in appropriate cases make statements and launch appeals on behalf of the Committee;
- follow up previous resolutions and recommendations of the Assembly on death penalty issues, including [Resolution 1807](#) (2011) on “The death penalty in Council of Europe member and observer states: a violation of human rights”, [Resolution 1560](#) (2007) on “Promotion by Council of Europe member states of an international moratorium on the death penalty”, [Recommendation 1760](#) (2006) on “Position of the Parliamentary Assembly as regards the Council of Europe member and observer states which have not abolished the death penalty”; [Recommendation 1627](#) (2003) and [Resolution 1349](#) (2003) on “Abolition of the death penalty in Council of Europe observer states”, and continue to promote the Assembly's decisions which appear in these texts.

Activities to date:

14.10.2020: the committee considered a revised information note and agreed to declassify it.

2. **General Rapporteur on the situation of human rights defenders:** Ms Alexandra Louis (France, ALDE) appointed for a second year of mandate on 25.01.2021 (originally appointed on 30.01.2020) following the departure of Mr Raphaël Comte, Switzerland, ALDE from the Assembly. (appointed on 09.10.2018).

- **Term of office:** one year renewable

The general rapporteur on the situation of human rights defenders is mandated to intervene in matters relating to cases of intimidation of, and reprisals against, human rights defenders as well as of serious impediments to their work in Council of Europe member States (such as, for example, killings, attacks on their physical and psychological integrity, arbitrary arrests, judicial and administrative harassment, public defamation or restrictions to freedom of movement). A ‘human rights defender’ is a person or a group of persons (non-governmental organisation/entity) who, individually or together with others, acts peacefully to promote and protect human rights. This term may refer to lawyers, journalists, NGO activists or other individuals and groups (see, in this connection, the 1999 UN [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)).

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

**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) human rights defenders, 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 Special Rapporteur on the situation of human rights defenders), the European Union, with the Organisation for Security and Cooperation in Europe (OSCE), 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 specific cases, make statements and launch appeals on his/her own behalf or propose to do so to the Committee;
- follow up previous resolutions and recommendations of the Assembly on issues related to human rights defenders.

Activities to date:

26.06.2019: the Committee considered an information note, and authorised the General Rapporteur to carry out fact-finding visits to France and Spain and to organise a hearing with up to three experts (both subject to the availability of funds) and authorised the declassification of his information note.

01.10.2019: the committee held a hearing with the participation of:  
 - Mr Gerald Staberock, Secretary General, World Organisation Against Torture, Geneva, Switzerland;  
 - Ms Emma Sinclair-Webb, senior Turkey researcher, Europe and Central Asia division, Human Rights Watch, Istanbul, Turkey;  
 - Ms Elena Jiménez, board member, Omnium Cultural, Barcelona, Spain.

15.11.2019: the committee agreed to declassify the minutes of its meeting on 01.10.2019 in the part concerning the above-mentioned hearing.

09.11.2020; the committee agreed to open a forthcoming hearing on the topic, subject to the agreement of the speakers.

22.03.2021: the committee held a hearing with the participation of:  
 Ms Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights,  
 Mr Nils Muiznieks, Director for Europe, Amnesty International, former Council of Europe Commissioner for Human Rights,

**3. General Rapporteur for the protection of whistleblowers:** Mr Pieter Omtzigt, EPP/CD, the Netherlands, (appointed on 29.06.2020)

- **Term of office:** one year renewable, subject to a maximum of two years. Appointed on 29.06.2020,

The General Rapporteur on the protection of whistleblowers is mandated to intervene in matters relating to the protection of whistleblowers in various contexts (Member and observer States, partners for democracy, candidate countries for this status).

A whistleblower is a person reporting illegal activities or abuses of rights that may harm the public interest.

The General Rapporteur shall regularly report to the Committee on the information gathered and the measures taken.

**Responsibilities:**

The role of the general rapporteur is to:

- monitor, by maintaining working relations with them, the activities of the various Council of Europe bodies responsible for matters relating to the protection of whistleblowers (including the

Committee of Ministers, the Commissioner for Human Rights);

- monitor, while maintaining working relations with them, the activities of the various European Union bodies responsible for matters relating to the protection of whistleblowers (including the European Parliament, the European Commission and the European Anti-Fraud Office);
- monitor, by maintaining working relations with them, the activities of observer States, partners for democracy and other States applying for such status, seeking advice as necessary from relevant international organisations in this field;
- dialogue with representatives of civil society (trade unions and employers' associations, specialised non-governmental organisations) and individual whistleblowers;
- represent the committee on behalf of the Assembly in relevant and appropriate situations;
- issue statements and public calls, where appropriate, on behalf of the committee;
- ensure the promotion and follow-up of resolutions and recommendations of the Assembly and the Committee of Ministers on the protection of whistleblowers, in particular:
  - [Resolution 1729 \(2010\)](#) and [Recommendation 1916 \(2010\)](#) on the protection of whistleblowers;
  - [Resolution 1954 \(2013\)](#) and [Recommendation 2024 \(2013\)](#) on national security and access to information, in which the Assembly expressed its support for the "Global Principles on National Security and the Right to Information" ("Tshwane Principles");
  - [Resolution 2060 \(2015\)](#) and [Recommendation 2073 \(2015\)](#) on "Improving the protection of whistleblowers" and
  - [Resolution 2300 \(2019\)](#) and [Recommendation 2162 \(2019\)](#) on "Improving the protection of whistleblowers all over Europe",
- and continue to promote the Assembly's decisions contained in these texts.

## IV. Bureaus of the Committee and of the Sub-Committees

### Plenary Committee

Chairperson: Mr Boriss Cilevičs, Latvia, SOC  
 1<sup>st</sup> Vice-Chairperson: Mr Edmon Marukyan, Armenia, ALDE  
 2<sup>nd</sup> Vice-Chairperson: Mr Dimitrios Kairidis (Greece, EPP/CD)  
 3<sup>rd</sup> Vice-Chairperson: Mr Martin Graf (Austria, EC/DA)

### Sub-Committee on Human Rights

Chairperson: Mr Vladimir Vardanyan, Armenia, EPP/CD (elected on 22.03.2021)  
 Vice-Chairperson: Mr Oleksandr Merezhko Ukraine, SOC, (elected on 22.03.2021)

### Sub-Committee on Artificial Intelligence and Human Rights

Chairperson: Mr Ziya Altunyaliz, Turkey, NR, (elected on 19.04.2021)  
 Vice-Chairperson: Ms Thorhildur Sunna Ævarsdóttir, Iceland, SOC (elected on 19.04.2021)

### Sub-Committee on the Implementation of the Judgments of the European Court of Human Rights

Chairperson: Sir Christopher Chope, United Kingdom, EC/DA (elected on 19.04.2021)  
 Vice-Chairperson: ZZ

## V. Representation of the Committee at various events in 2021

### Representatives appointed by the Bureau for 2021

- i. European Commission for Democracy through Law ("Venice Commission")  
 Titular: Ms Alexandra Louis (France, ALDE)  
 Substitute: Mr Constantinos Efstathiou (Cyprus, SOC)
- ii. Council for Democratic Elections (of the Venice Commission)  
 Titular: Mr Antonio Gutiérrez (Spain, SOC)  
 Substitute: Mr Givi Mikanadze (Georgia, SOC)
- iii. Group of States against Corruption (GRECO)  
 Titular: to be reappointed  
 Substitute: Ms Gökay Akhbulut (Germany, UEL)
- iv. Moneyval  
 Titular: Mr Titus Corlăţean (Romania, SOC)  
 Substitute: Sir Edward Leigh (United Kingdom, EC/DA)

## VI. Secretariat of the Committee

**Head of the Legal Affairs and  
Human Rights Department**

**Head of the Committee Secretariat:**

Mr Günter SCHIRMER

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**Deputy to the Head of the Secretariat:**

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(as of 1 January 2021 – 31 July 2021)

**Administrative assistant:**

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### **Committee on Legal Affairs and Human Rights**

Secretariat of the Parliamentary Assembly

Council of Europe

F – 67075 STRASBOURG Cedex

Tel: +33 (0)3 90 21 53 55

<http://assembly.coe.int>

## **Appendix: Terms of reference of the Committee and its Sub-Committees**

### **A. General terms of reference applicable to all Assembly committees**

(Extract from Appendix to Resolution 1842 (2011), The terms of reference of Parliamentary Assembly committees – Implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly, adopted on 7 October 2011)

The Assembly decides to revise the general terms of reference applicable to all its committees as follow:

1. Committees may examine any matter within their specific terms of reference (Rule 43.1 of the Rules of Procedure) and, possibly, table information reports on these matters (Rule 48.6).
2. Committees shall only prepare reports for debate in the Assembly:
  - 2.1. on matters referred to them (Rule 25);
  - 2.2. when so instructed by texts adopted by the Assembly (taking account of Rule 24.1.b);
  - 2.3. when stipulated by the Assembly's Rules of Procedure;
  - 2.4. when mandated to do so by their specific terms of reference;
3. The committees ensure the appropriate follow-up to resolutions and recommendations adopted by the Assembly in the fields covered by their specific terms of reference.
4. Committees may organise conferences and other events on matters within their specific terms of reference and which are linked to their work programme, subject to availability of funds.
5. Committees shall establish and maintain working relations with:
  - 5.1. the competent bodies (committees, etc.) of national parliaments of member States;
  - 5.2. the competent bodies (committees, etc.) of European parliamentary assemblies (European Parliament, Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE), Interparliamentary Assembly of the Commonwealth of Independent States (CEI) and others) and of the Interparliamentary Union (IPU);
  - 5.3. subject to decision by the Bureau of the Assembly, the competent bodies (committees, etc.) of national parliaments holding special guest, observer or partner for democracy status;
  - 5.4. subject to decision by the Bureau of the Assembly, the competent bodies (committees, etc.) of national parliaments of non-member States.
6. Committees shall follow the activities of the Committee of Ministers in the fields covered by their specific terms of reference.
7. Committees shall follow the activities of, and maintain working relations with:
  - 7.1. the relevant rapporteur groups, working groups and liaison committees of the Ministers' Deputies and rapporteurs of the Ministers' Deputies;
  - 7.2. the relevant Council of Europe structures and bodies such as the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner for Human Rights, the Council of Europe partial agreements, the Council of Europe monitoring bodies and the relevant Council of Europe expert committees.
8. Committees are entitled to be represented in the Assembly's delegations to the relevant European conferences of specialised ministers and to follow their activities.



9. Committees shall follow the activities of, and maintain working relations with, the European and international organisations and bodies which carry out activities in the fields covered by their specific terms of reference, in particular the European Union, the OSCE, the United Nations and their agencies and institutions.

10. Committees are entitled to develop and maintain working relations with the European and international non-governmental organisations which carry out activities in the fields covered by their specific terms of reference.

11. Committees shall promote the ratification and the implementation by Council of Europe member States of relevant conventions covered by their specific terms of reference.

## **B. Committee on Legal Affairs and Human Rights (AS/Jur)**

### **i. Background information**

Number of seats: 91

The Committee was established in 1949 with the title “Legal and Administrative Questions” and known from 1956 until the end of 1989 as the “Legal Affairs Committee”, when the title was changed to the “Committee on Legal Affairs and Human Rights”.

### **ii. Specific terms of reference**

(Extract from Appendix to Resolution 1842 (2011), The terms of reference of Parliamentary Assembly committees – Implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly, as amended by Resolution 2002 (2014), § 9.10)<sup>2</sup>

[...]

#### **2. Committee on Legal Affairs and Human Rights (AS/Jur)**

2.1. The Committee shall consider all legal and human rights matters (including proposals for and the preparation of statutory opinions on draft Council of Europe conventions) which fall within the competence of the Council of Europe.

2.2. The Committee shall in particular consider:

2.2.1. all matters concerning the human rights treaties and mechanisms of the Council of Europe, notably the European Convention on Human Rights (ETS No. 5) and its protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), and other international instruments;

2.2.2. other issues concerning the state of human rights and fundamental freedoms and the rule of law in Europe, as well as in the observer States and in the States whose parliaments enjoy observer or partner for democracy status, including allegations of serious human rights violations of a systemic or otherwise widespread nature;

2.2.3. the functioning of national and international judicial institutions (as well as ombudspersons and national human rights institutions), the police, detention centres and prisons in the member States of the Council of Europe;

2.2.4. national and international criminal law and criminology; the treatment of offenders and conditions of detention (including pre-trial detention); alternatives to imprisonment;

2.2.5. legal and human rights issues relating to the fight against terrorism.

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<sup>2</sup> On 26 January 2015 the AS/Jur's Sub-Committee on the election of judges was replaced by a new general Committee on the Election of Judges to the European Court of Human Rights (AS/Cdh): see <http://assembly.coe.int/nw/Committees/as-cdh/as-cdh-main-EN.asp>

2.3. The Committee shall give an opinion on the law, legal practice and the observance of human rights and fundamental freedoms of applicant States for membership of the Council of Europe, and of States whose parliaments seek to acquire partner for democracy status with the Parliamentary Assembly, to assess compliance with Council of Europe standards.

2.4. The Committee shall promote Council of Europe standard-setting legal instruments in the field of respect for human rights, fundamental freedoms and the rule of law in non-member States.

2.5. The Committee shall be in charge of interviewing all candidates for the post of Council of Europe Commissioner for Human Rights, before his or her election by the Assembly. It shall also examine the curricula vitae of candidates to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

2.6. The Committee shall follow the activities of the European Ombudsmen Conference.

2.7. The Committee shall share the Assembly representation in the European Commission for Democracy through Law (Venice Commission) and in its Council for Democratic Elections.

2.8. The Committee shall represent the Assembly in the Council of Europe Group of States against Corruption (GRECO) and shall participate in the work of the European Commission for the Efficiency of Justice (CEPEJ).

2.9. The Committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.

[...]

### **C. Terms of reference of the Sub-Committee on Human Rights (AS/Jur/DH)<sup>3</sup>**

(Approved by the Committee on 29 January 2015)

1. The Sub-Committee shall consider any matter falling within the terms of reference of the Committee on Legal Affairs and Human Rights relating specifically to the state of human rights and fundamental freedoms. In particular, the Sub-Committee shall monitor relevant human rights developments in Council of Europe member, observer and applicant States, as well as States whose parliaments enjoy Partner for Democracy status with the Assembly. It shall also follow activities of and maintain working relations with relevant Council of Europe bodies.

2. Moreover, the Sub-Committee shall review and make recommendations to the Committee on lists of candidates for membership of the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) submitted by States Parties to the European Convention for the Prevention of Torture.

### **D. Terms of reference of the Sub-Committee on Artificial Intelligence and Human Rights (AS/Jur/AI)**

(Approved by the Committee on 13 December 2018)

1. Having regard to paragraph 2.2.2. of the terms of reference of the Committee on Legal Affairs and Human Rights, the Sub-Committee shall consider issues relating to the maintenance of Council of Europe standards on human rights and the rule of law – notably those deriving from the European Convention on Human Rights – in connection with the implementation of new technologies, in particular machine learning and other forms of artificial intelligence, including in the fields of privacy, criminal justice and legal liability for actions taken by systems involving artificial intelligence.

2. The Sub-committee shall seek to identify areas in which greater regulation and co-operation at European and international level are required, including by taking account of work undertaken by the national

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<sup>3</sup> Note from the Secretariat: in line with previous practice, the Sub-Committee shall also interview the candidates shortlisted by the Committee of Ministers for the post of Council of Europe Commissioner for Human Rights and address a recommendation to the Assembly's Bureau in this respect (see Resolution CM (99)50, Order 547 (1999) and AS/Jur/DH (1999) OJ 4, AS/Jur/DH (2005) OJ 6 and AS/Jur/DH (2011) OJ 05 Rev.)

parliaments of member and observer states and those with partnership for democracy status. It shall follow, with a view to contributing where appropriate, Council of Europe work in this area being undertaken at inter-governmental area.

***E. Terms of reference of the Sub-Committee on the Implementation of Judgments of the European Court of Human Rights (AS/Jur/CourDH)***

(Approved by the Committee on 29 January 2015)

1. Having regard to the terms of reference of the Committee on Legal Affairs and Human Rights, the Sub-Committee shall consider issues relating to the implementation, at the domestic level, of the judgments of the European Court of Human Rights (ECHR) finding a violation of the European Convention on Human Rights and/or its protocols.

2. The Sub-Committee shall, in particular, address the most pertinent cases of non-implementation of judgments, especially those pointing to the existence of systemic shortcomings or requiring urgent individual measures, especially in cases concerning serious human rights violations. It shall seek to identify, together with Committee's Rapporteur on the Implementation of Judgments of the ECHR, the reasons for failure to execute judgments in co-operation with, in particular, the parliamentary national delegation of the State concerned in order to find solutions to outstanding problems.