



28 November 2022

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Committee on Legal Affairs and Human Rights

Work programme¹

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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.

¹ 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 2022

14 November 2022	Committee on Legal Affairs and Human Rights (plenary meeting)
Standing Committee 25 November 2022	Reports and opinions to be presented: The impact of the Covid-19 restrictions for civil society space and activities (report) The impact of the Covid-19 pandemic on prison population in Europe (report)
12 December 2022	Committee on Legal Affairs and Human Rights (plenary meeting)



Priorities for 2022:

- 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 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)

Rapporteur for opinion for Committee on Social Affairs, Health and Sustainable Development :

Mr Stefan Schennach (Austria, SOC) (16.03.2021)

- Origin: Doc. 14878, Reference 4452 of 24.06.2019
- Expiry date for adoption: 24.06.2022
- Presentation to the Assembly foreseen: 2023 - first part-session
- 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.
- 27.09.2021: the committee reconfirmed Mr Pieter Omtzigt as rapporteur following his temporary absence from the committee.
- 04.04.2022: the committee agreed to hold a hearings with experts at a future meeting, subject to the availability of funds, and to open them to the public.
- 29.04.2022: agreed to hold the above-mentioned hearing at the next meeting on 23 May 2022 with experts, subject to the availability of funds.
- 23.05.2022: the committee held a hearing with the participation of:
Dr Leyla Ferman, Chair of Women for Justice, Germany.
Ms Naomi Prodeau, Lead lawyer, investigations team, Free Yezidi Foundation, Iraq;
- 23.06.2022: the committee, in the absence of the rapporteur, considered a draft report and unanimously adopted a draft resolution and a draft recommendation.

2. The impact of the Covid-19 restrictions for civil society space and activities

Rapporteur: Ms Margreet De Boer ,Netherlands, SOC, (appointed on 23.06.2022) (former

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 – November Standing Committee
- State of work:
- 27.01.2022: the committee considered an introductory memorandum.
- 04.04.2022: the committee agreed to hold a hearing with experts at a future meeting, subject to the availability of funds, and to open it to the public.
- 23.06.2022: the committee, in the absence of the rapporteur, held a hearing with the participation of:
Mr Filip Pazderski, Head of the Democracy and Civil Society Programme/Analyst
Institute of Public Affairs, Warsaw, Poland
Mr Jeremy McBride, barrister, President of the Expert Council on NGO Law, Conference of INGOs, Council of Europe
- 05.09.2022: the committee considered a draft report and unanimously adopted a draft resolution and a draft recommendation;

3. 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: 2022 – November Standing Committee

- State of work:

04.04.2022: the committee agreed to hold a hearing with experts at a future meeting, subject to the availability of funds, and to open it to the public.

23.05.2022: the committee considered an introductory memorandum, agreed to hold a hearing with experts at a future meeting subject to the availability of funds, and to send out a questionnaire via the European Centre for Parliamentary Research and Documentation (ECPRD).

20.06.2022: the committee agreed to hold the above-mentioned hearing at the next meeting.

06.09.2022: the Sub-Committee on Human Rights (open to the plenary Committee on Legal Affairs and Human Rights) held a hearing with the participation of:

Professor Marcelo Aebi, School of Criminal Sciences, University of Lausanne, Switzerland

Professor Hans Wolff, Vice-President of the CPT (Council of Europe, Strasbourg, France),

Professor of medicine at the Geneva University and physician in chief at the Geneva University Hospitals, Switzerland

Ms Tríona Lenihan, Policy and International Advocacy Manager, Penal Reform International, London, United Kingdom

13.10.2022: the committee considered a draft report and unanimously adopted a draft resolution and a draft recommendation;

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

Rapporteur: Mr Damien Cotter (Switzerland, ALDE) (appointed on 23.06.22) (former 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: 2023 – First part-session

- State of work:

19.01.2021: 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.

29.09.2021: the committee decided to open the above-mentioned hearing to public

05.11.2022: the committee held a hearing with the participation of:

Mr. Raja Chatila, Professor Emeritus, former Director of the Institute of Intelligent Systems and Robotics, Sorbonne University, Paris, France;

Mr Noel Sharkey, President of the NGO "The international committee for Robot arms control", computer scientist specialising in robotics, University of Sheffield, United Kingdom;

Mr Jean-Gabriel Ganascia, President of the Ethics Committee of the "*Centre National de la Recherche Scientifique*" (Comets), Paris, France;

Dr Jean-Baptiste Jeangene Vilmer, Director of the Institute for Strategic Research at the Military School (IRSEM), Paris, France.

20.06.2022: the committee agreed to hold another hearing at one of the next meetings with experts, subject to the availability of funds, and that it be open to the public.

14.11.2022: the committee considered a draft report and unanimously adopted a draft resolution.

5. Contact tracing 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: 2023 – First part-session

- State of work:

14.11.2022: the committee approved its opinion.

B. Reports under preparation

i. Human rights

6. 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:
 29.09.2021: considered an introductory memorandum and decided to hold a hearing with experts at one of its next meetings, subject to the availability of funds.
 05.11.2021: the committee held a hearing with the participation of:
 Ms Tonje Meinich, Chairperson of the CDDH ad hoc negotiation group ("47+1") on the accession of the European Union to the European Convention on Human Rights, Norway;
 Mr Juan Fernando López Aguilar, Chair of the Committee on Civil Liberties, Justice and Home Affairs, European Parliament;
 Mr Giuliano Pisapia, Vice-Chair of the Constitutional Affairs Committee, European Parliament.
 07.12.2021: the committee agreed to declassify the part of the minutes concerning the hearing with experts held on 05/11/2021 on "Legal aspects of EU accession to the European Convention on Human Rights".
 14.11.2022: agreed to request the Bureau to prolong the reference of the report until 27 January 2024.

7. The implementation of judgments of the European Court of Human Rights – 11th 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: 2023 – second part-session.
- State of work:
 05.11.2021: the committee agreed to hold a hearing in co-operation with the Sub-committee on Implementation of Judgments of the European Court of Human Rights, and it to be open to the public, at its next meeting.
 07.12.2021: the committee held a hearing, in co-operation with the Sub-committee on Implementation of Judgments of the European Court of Human Rights, with the participation of:
 Ms Dimitrina Lilovska, head of division ad interim, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe, Strasbourg, and
 Dr Isabella Risini, senior research associate at Ruhr-University Bochum, visiting professor at Augsburg University (Germany),
 and authorised the rapporteur to organise a second hearing with experts at one of the forthcoming meetings, subject to the availability of funds.
 04.04.2022: the committee agreed to hold a hearing with experts at a future meeting, subject to the availability of funds, and to open it to the public.
 11.10.2022: the committee heard a statement by the Rapporteur and authorised two fact-finding visits, one to Romania and one to Azerbaijan, subject to the availability of funds.
 14.11.2022: the committee held a hearing with the participation of:
 Ms Clare Ovey, Head of the Department for the Execution of Judgments, Council of Europe, Strasbourg, France
 Professor Dr. Başak Çalı, Professor of International Law, Co-director of the Centre for Fundamental Rights, Hertie School, Berlin's University of Governance, Germany
 and noted the Rapporteur's intention to hold country specific exchanges of views during the January part-session

8. European Convention on Human Rights and national constitutions

Rapporteur: Mr George Katrougalos, Greece, UEL (appointed on 05.11.2021))

- Origin: Doc. 15336, Reference 4605 of 27.09.2021
- Expiry date for adoption: 27.09.2023
- Presentation to the Assembly foreseen: 2023 – First part-session
- State of work:

04.04.2022: 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, and to send out a questionnaire via the European Centre for Parliamentary Research and Documentation (ECPRD). It also agreed to hold a hearing with experts at a future meeting, subject to the availability of funds, and to open it to the public.

20.06.2022: the committee agreed to hold the above-mentioned hearing at the next meeting.

05.09.2022: the committee held a hearing with the participation of:
Professor Helen Keller, Chair for Public Law, European and Public International Law, University of Zurich, Switzerland
Ms Simona Granata-Menghini, Secretary of the Venice Commission, Council of Europe, Strasbourg, France

12.10.2022: the committee held an exchange of views with Professor Joseph Weiler, University Professor, New York University School of Law, USA

9. Pegasus and similar spyware and secret state surveillance

Rapporteur: Mr Pieter Omtzigt (Netherlands, EPP/CD) (appointed on 27.09.2021)

- Origin: Doc. 15373, Reference 4608 of 27.09.2021
- Expiry date for adoption: 27.09.2023
- Presentation to the Assembly foreseen: 2023 – third part-session
- State of work:

14.09.2021: the committee held an exchange of views, with the participation
Ms Michelle Bachelet, United Nations High Commissioner for Human Rights (pre-recorded statement);
Mr Laurent Richard, Founder and Executive Director, Forbidden Stories, France;
Ms Tamar Kaldani, Vice-chairperson, Consultative Committee of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108 +)
on the basis of the proposed motion for recommendation.

04.04.2022: the committee considered an introductory memorandum, agreed to the Rapporteur's request to declassify the introductory memorandum, to hold a hearing with experts (open to the public) at a future meeting (subject to the availability of funds) and to carry out a fact-finding visit to Israel,(subject to the availability of funds and agreement of the Bureau).

20.06.2022: the committee agreed to hold the above-mentioned hearing at the next meeting

05.09.2022: the committee held a hearing with the participation of:
Mr Tim Engelhardt, Human rights officer, Office of the United Nations High Commissioner for Human Rights, Geneva, Switzerland
Mr Lars Patrick Berg, Member of the European Parliament, Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware
and agreed to hold a further hearing with victims of spyware at a future meeting, subject to the availability of funds, and that it be open to the public.

14.11.2022: the committee agreed that the above-mentioned hearing (open to the public) would be held at the meeting scheduled for 12 December 2022 in Paris.

10. Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Council of Europe member States

Rapporteur: Mr Constantinos Efstathiou, Cyprus, SOC, appointed on 28.04.2022)

- Origin: Doc. 15420, Reference 4626 of 24.01.2022
- Expiry date for adoption: 24.01.2024
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

- 04.04.2022: the committee agreed to merge this reference with “*Cases of torture and inhumane treatment in Azerbaijani prisons*” ([Doc. 15331](#)) Reference 4600 of 27.09.2021 and made a call for candidates (Mr Constantinos Efstathiou, Cyprus, SOC was noted as a candidate for Rapporteur).
- 13.10.2022: the committee considered an introductory memorandum and agreed to a hearing with up to 3 experts at a future meeting, subject to the availability of funds. It noted that some fact-finding for this report may be done during the Rapporteur’s fact-finding visit to Azerbaijan in the context of his other report on “*The implementation of judgments of the European Court of Human Rights – 11th report*”.

11. Legal and human rights aspects of the Russian Federation’s aggression against Ukraine

Rapporteur: Mr Damien Cottier, Switzerland, ALDE, (appointed on 28.04.2022)

- Origin: Doc. 15481, Reference 4641 of 25.04.2022
 - Expiry date for adoption: 25.04.2024
 - Presentation to the Assembly foreseen: 2023 – first part-session
 - State of work:
- 23.05.2022: the committee decided to incorporate the issue of “Grey zones” (human rights protection in territories of State Parties to the ECHR occupied by non-State Parties) into this report.
- 20.06.2022: The Bureau sent Doc 15519, Reference 4656 to the Committee “Humanitarian catastrophe created during the Russian army’s invasion of Ukraine” to be taken into account in this report.
- 05.09.2022: the committee took note that the Rapporteur would integrate the subject matter of the following motion for resolution into the report as proposed by the Bureau: “Humanitarian catastrophe created during the Russian army invasion of Ukraine” ([Doc. 15519](#))
- 06.09.2022: the Sub-Committee on Human Rights (open to the plenary Committee on Legal Affairs and Human Rights) held a hearing with the participation of:
Mr James Goldston, Executive Director, Open Society Foundations, Justice Initiative, New York, United States of America
Professor Dapo Akande, Professor of Public International Law, Blavatnik School of Government, University of Oxford (online)
- 12.10.2022: the committee held a hearing with the participation of:
Mr Jonathan Agar, Special Assistant to the Prosecutor of the International Criminal Court
Ms Tamar Tomashvili, Associate Professor of Law, Free University of Tbilisi, Georgia;
- 14.11.2022: the committee agreed that the following references be integrated in the report as proposed by the Bureau:
- i) Legal aspects of preventing the use of explosive weapons in populated areas and explosive contamination (Doc. 15583)
 - ii) Urgent need to combat state terrorism (Doc. 15599).
- It considered an introductory memorandum and noted the Rapporteur’s intention to hold a further hearing with experts on the issue of compensation at the next meeting, subject to the availability of funds and that it be open to the public.

12. The arbitrary detention of Vladimir Kara-Murza and the systematic persecution of anti-war protesters in the Russian Federation

Rapporteur: appointed Ms Thorhildur Sunna Ævarsdóttir, Iceland, SOC, on 13.10.2022

- Origin: Doc. 15514 and Doc. 15578, Reference 4652 of 20.06.2022
 - Expiry date for adoption: 20.06.2024
 - Presentation to the Assembly foreseen: t.b.c.
 - State of work:
- 05.09.2022: the committee made a call for candidatures for a Rapporteur for Doc. 15514 on the Arbitrary arrest of Russian human rights defender and freedom fighter Vladimir Kara-Murza
- 13.10.2022: following a proposal by the Bureau, the committee agreed to merge “Systematic large-scale persecution against anti-war protesters in the Russian Federation” ([Doc. 15578](#)) with Doc. 15514 on the “Arbitrary arrest of Russian human rights defender and freedom fighter Vladimir Kara-Murza” into one single report entitled “*The arbitrary detention of Vladimir Kara-Murza and the systematic persecution of anti-war protesters in the Russian Federation*”, and appointed Ms Thorhildur Sunna Ævarsdóttir (Iceland, SOC) as Rapporteur.

13. A Threats to life and safety of journalists and human rights defenders in Azerbaijan

Rapporteur: Ms Hannah Bardell, UK, NR, appointed on 11.10.2022

- Origin: Doc. 15521, Reference 4659 of 24.06.2022
- Expiry date for adoption: 24.06.2024
- Presentation to the Assembly foreseen: t.b.c.
- State of work:
05.09.2022: the committee made a call for a Rapporteur
 11.10.2022: the committee appointed, in absentia, Ms Hannah Bardell, UK, NR as Rapporteur, subject to her declaration of no conflict of interest at a future meeting.
 14.11.2022: the committee heard a declaration of no conflict of interest from Ms Bardell

14. UK reform of its human rights legislation: consequences for domestic and European Human Rights protection

Rapporteur: **Mr Kamal Jafarov, Azerbaijan, EC/DA**, appointed on 11.10.2022

- Origin: Decision of the Bureau, Reference 4660 of 24.06.2022
- Expiry date for adoption: 24.06.2024
- Presentation to the Assembly foreseen: t.b.c
- State of work:
 .
05.09.2022: the committee made a call for a Rapporteur
 11.10.2022: the committee appointed Mr Kamal Jafarov, (Azerbaijan, EC/DA), as Rapporteur

ii. Reinforcement of the Rule of Law

15. Transnational repression as a growing threat to the rule of law and human rights

Rapporteur: Sir Christopher Chope, United Kingdom, EC/DA, (appointed on 27.09.2021)

- Origin: Doc. 15289, Reference 4610 of 27.09.2021
- Expiry date for adoption: 27.09.2023
- Presentation to the Assembly foreseen: t.b.c.
- State of work:
05.09.2022: the committee considered an introductory memorandum and agreed to hold a hearing at a future meeting with experts, subject to the availability of funds.
 14.11.2022: the committee held a hearing with the participation of:
 Mr Bruno Min, Legal Director (UK & International), Fair Trials, London, United Kingdom
 Mr Vytis Jurkonis, Project Director, Freedom House, Vilnius, Lithuania;

16. Examining the legitimacy and legality of the ad hominem term-limit waiver for the incumbent President of the Russian Federation

Rapporteur: Mr Pieter Omtzigt, The Netherlands, EPP/CD, (appointed on 28.04.2022)

- Origin: Doc. 15446, Reference 4634 of 14.03.2022
- Expiry date for adoption: 14.03.2024
- Presentation to the Assembly foreseen: t.b.c
- State of work:
 04.04.2022: the committee made a call for candidates and noted the candidature of Mr Pieter Omtzigt (The Netherlands, EPP/CD).
 28.04.2022 : the committee appointed Mr Pieter Omtzigt (The Netherlands, EPP/CD) as Rapporteur

iii. Other matters

17. Towards a transparency register within the Parliamentary Assembly

Rapporteur: Ms Azadeh Rojhan Gustafsson, Sweden, SOC (appointed on 07.12.2021)

- Origin: Doc. 15330, Reference 4599 of 27.09.2021
- Expiry date for adoption: 27.09.2023
- Presentation to the Assembly foreseen: t.b.c
- State of work:
- 07.12.2021: the committee appointed Ms Azadeh Rojhan Gustafsson, (Sweden, SOC) as Rapporteur

18. The right to freedom of information: ensuring access to historical documents

Rapporteur: Ms Klotilda Bushka, Albania, SOC, appointed on 11 October 2022

- Origin: Doc. 15523, Reference 4657 of 20.06.2022
- Expiry date for adoption: 20.06.2024
- Presentation to the Assembly foreseen: t.b.c
- State of work:
- 05.09.2022: the committee made a call for a Rapporteur
- 11.10.2022: the committee appointed Ms Klotilda Bushka, (Albania, SOC), as Rapporteur

C. Reports on which the Committee is seized for opinion

Committee on Political Affairs and Democracy:

19. 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.

20. 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: Mr Emanuelis Zingeris, Lithuania, EPP/CD (appointed 27.09.2021)

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:
- 27.09.2021: the committee appointed Mr Emanuelis Zingeris, (Lithuania, EPP/CD) as Rapporteur

Committee on Culture, Science, Education and Media

21. Countering SLAPPs: an imperative for the democratic society

Rapporteur for opinion: Mr Davor Ivo Stier, Croatia, EPP/CD, (appointed on 05.09.2022)

Rapporteur: Mr Stefan Schennach (Austria, SOC)

- Origin: Doc. 15419 Reference 4625 of 24.01.2022

- Expiry date for adoption: 24.01.2024

- Presentation to the Assembly foreseen: t.b.c

- State of work:

04.04.2022: the committee made a call for candidates.

28.04.2022: the committee appointed Ms Alexandra Louis (France, ALDE) in absentia, subject to her statement of no conflict of interest in writing or at a future meeting.

23.06.2022: the committee made a call for candidates for a new Rapporteur for opinion following the resignation of Ms Alexandra Louis (France, ALDE) as Rapporteur. It called for candidates to notify their interest to the secretariat before the next meeting (candidature already noted: Mr Davor Ivo Stier, Croatia, EPP/CD).

05.09.2022: the committee appointed Mr Davor Ivo Stier, (Croatia, EPP/CD) as Rapporteur

Committee on Social Affairs, Health and Sustainable Development

22. Child abuse in Europe: addressing compensation and prevention

Rapporteur for opinion: appointed Ms Margreet De Boer (Netherlands, SOC) (appointed on 20.06.2022)

Rapporteur: Mr Pierre-Alain Fridez (Switzerland, SOC) (appointed on 25.04.2022)

- Origin: Doc 15390 Reference 4618 of 24.01.2022

- Expiry date for adoption: 24.01.2024

- Presentation to the Assembly foreseen: t.b.c

- State of work:

23.05.2022: the committee called for candidates to notify the secretariat of their interest as Rapporteur for opinion before the June 2022 part-session.

20.06.2022: the committee appointed Ms Margreet De Boer, (Netherlands, SOC), Rapporteur for opinion

23. Safeguarding future rights for future generations

Rapporteur for opinion: to be appointed

Rapporteur: Mr Pedro Cegonho, Portugal, SOC (appointed on 23.09.2022)

- Origin: Doc. 15513 Reference 4561 of 20.06.2022

- Expiry date for adoption: 20.06.2024

- Presentation to the Assembly foreseen: t.b.c

- State of work:

11.10.2022: the committee called for candidates for Rapporteur for opinion and noted the interest of Ms Margreet de Boer (Netherlands, SOC)

14.11.2022 : the committee appointed Ms Margreet de Boer (Netherlands, SOC), subject to her declaration of no conflict of interests at a future meeting.

III. General Rapporteurships

1. **General Rapporteur on the abolition of the death penalty:** Mr Vladimir Vardanyan (Armenia, EPP/CD) (re-appointed for a second term of office until 13 December 2022 (first term: 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.

07.12.2021: the committee considered a revised information note, agreed to declassify it and held a hearing with the participation of:

Ms Chiara Sangiorgio, Policy Adviser/Death Penalty, Amnesty International, London, and
Mr Gilberto Jeronimo, Ambassador Extraordinary and Plenipotentiary, Permanent
Representative of Portugal to the Council of Europe, Strasbourg;

2. **General Rapporteur on the situation of human rights defenders:** Ms Thorhildur Sunna Ævarsdóttir (Iceland, SOC) (appointed on 25 January 2022 - first mandate as of 30 January 2022 = expiry of previous Rapporteur’s mandate) – first mandate)

- **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 Türkiye researcher, Europe and Central Asia division, Human Rights Watch, Istanbul, Türkiye;
- 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,

14.11.2022: the committee considered and agreed on a revised mandate of the General Rapporteur on the situation of human rights defenders, to be sent to the Bureau for approval.

3. General Rapporteur for the protection of whistleblowers: Mr Pieter Omtzigt, EPP/CD, the Netherlands, (first appointed on 29.06.2020, (mandate renewed on 27.09.2021)

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

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.

Mandate update:

- 13.10.2022: the committee agreed to cease having a General Rapporteur for the protection of whistleblowers, and to revise the mandate of the General Rapporteur on the situation of human rights defenders, to include the protection of whistleblowers;

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

Plenary Committee

Chairperson: Mr Damien Cottier (Switzerland, ALDE)
 1st Vice-Chairperson: Mr Davor Ivo Stier (Croatia, EPP/CD)
 2nd Vice-Chairperson: Ms Margreet de Boer (Netherlands, SOC)
 3rd Vice-Chairperson: Sir Christopher Chope (United Kingdom, EC/DA)

Sub-Committee on Human Rights

Chairperson: Ms Inese Lībiņa-Egnere (Latvia, EPP/CD) (elected 26.01.2022)
 Vice-Chairperson: Mr Kamal Jafarov (Azerbaijan, EC/DA) (elected 26.01.2022)

Sub-Committee on Artificial Intelligence and Human Rights

Chairperson: Ms Thorhildur Sunna Ævarsdóttir (Iceland, SOC) (elected 23.05.2022)
 Vice-Chairperson: ZZ

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

Chairperson: Mr Boriss Cilevičs, (Latvia, SOC) (elected on 23.05.2022)
 Vice-Chairperson: Ms Sena Nur Celik (Türkiye, NR) (elected on 23.05.2022)

V. Representation of the Committee at various events in 2022

Representatives appointed by the Bureau for 2022

- i. European Commission for Democracy through Law (Venice Commission)
 ZZ– titular
 Mr Constantinos Efsthathiou (Cyprus, SOC) - substitute
- ii. Council for Democratic Elections (of the Venice Commission)
 Mr. Davor Ivo Stier (Croatia, EPP/CD) - titular
 Mr Givi Mikanadze (Georgia, SOC) - substitute
- iii. Group of States against Corruption (GRECO)
 Mr Titus Corlatean (Romania, SOC) – titular
 Mr Kamal Jafarov (Azerbaijan, EC/DA) -substitute
- iv. Moneyval
 Ms Sunna Aevardottir (Iceland, SOC) – titular
 Ms Maria-Gabriela Horga (Romania, EPP/CD) - substitute

VI. Secretariat of the Committee

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Head of the Committee Secretariat:**

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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: 86

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)²

[...]

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.

² 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)*³

(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

³ 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.