



SECRETARIAT

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26 June 2015

## To the members of the Committee on Legal Affairs and Human Rights

### Synopsis of the meeting held in Strasbourg on 22-25 June 2015

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 22 to 25 June 2015 with Mr James Clappison (United Kingdom, EC) in the Chair, as regards:

- on Monday 22 June 2015 at 2 pm,
  - **Situation in Hungary following the adoption of Assembly Resolution 1941 (2013)** (*Rapporteur for opinion: Mr Arcadio Díaz Tejera, Spain, SOC*) (*Rapporteur for the Committee on Political Affairs and Democracy: Mr Robert Walter, United Kingdom, EC*): considered a report tabled by the Committee on Political Affairs and Democracy and considered and approved the Committee's opinion;
  - **Evaluation of the partnership for democracy in respect of the Parliament of Morocco** (*Rapporteur for opinion: Mr Jordi Xuclà, Spain, ALDE*) (*Rapporteur for the Committee on Political Affairs and Democracy: Mr Bogdan Klich, Poland, EPP/CD*): considered a report tabled by the Committee on Political Affairs and Democracy and considered and approved the Committee's opinion;
  - **Access to justice and the Internet: potential and challenges** (*Rapporteur: Mr Jordi Xuclà, Spain, ALDE*): held a hearing with the participation of Ms Iveta Havlova, Online Dispute Resolution (ODR) expert, Strategic Alliances Director at "Youstice", Czech Republic;
  - **Appointment of rapporteurs:**
    - Urgent need to prevent human rights violations during peaceful protests (re-appointment following the departure from the Assembly of Mr Antti Kaikkonen, Finland, ALDE): appointed Ms Ermira Mehmeti Devaja ("The former Yugoslav Republic of Macedonia", SOC);
    - The need to eradicate statelessness of children (for opinion) (*Rapporteur for the Committee on Migration, Refugees and Displaced Persons: Mr Manlio Di Stefano (Italy, NR)*): appointed Mr Boriss Cilevičs (Latvia, SOC);
  - **Accession of the European Union to the European Convention on Human Rights: election of judges** (*Rapporteur: Mr Jordi Xuclà, Spain, ALDE*): took note of the Rapporteur's decision to step down;
- on Tuesday 23 June 2015 at 8.30 am,
  - **Improving the protection of whistle-blowers** (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): took position on 4 amendments to the draft resolution and draft recommendation;

- **Implementation of judgments of the European Court of Human Rights** (*Rapporteur: Mr Klaas de Vries, Netherlands, SOC*): considered a draft report and unanimously adopted a draft resolution and a draft recommendation;
- **Follow-up to Bureau decisions:**
  - i) Motion for a resolution: ‘When human rights provide protection to individuals who represent a threat to national security’, consultation of the Committee on a possible follow-up to be given: proposed that the Bureau refer this subject matter to the Committee on Legal Affairs and Human Rights, to be taken into account in the preparation of its report on “Administrative Detention” (*Rapporteur: Lord Balfe, United Kingdom, EC*);
  - ii) Petition for the rights of new-borns surviving their abortion, consultation of the Committee to determine whether the petition is admissible: the Committee was of the view that there existed no legitimate interest of the Assembly in this matter;
- **Other business:**
  - **CIA detentions (Secretary General’s inquiry under Article 52 of the Convention)**: the Chair informed the Committee that, further to his letters on the matter, he had accepted an invitation by the Secretary General of the Council of Europe to meet with him during the session;
  - **Proposal by Mr Pieter Omtzigt (Netherlands, EPP/CD) to create a General Rapporteurship on Freedom of Thought, Conscience and Religion**: after an exchange of views on the matter, decided not to go ahead with this proposal;
  - **Strengthening the protection and role of human rights defenders in Council of Europe member states** (*Rapporteur: Ms Mailis Reps, Estonia, ALDE*): agreed to a request by the Rapporteur to hold a hearing on this subject during the September/October 2015 part-session and to invite two experts, subject to the availability of funds;
- **on Tuesday 23 June 2015 at 2 pm,**
- **Other business (continued):**
  - **How to prevent inappropriate restrictions on NGO activities in Europe** (*Rapporteur: Mr Yves Cruchten, Luxembourg, SOC*): agreed to the proposal by the Rapporteur to seize the European Commission for Democracy through Law (Venice Commission) for opinion on the Russian Law on Undesirable Organisations;
  - **Sub-committees**: agreed to a change by the German delegation which had proposed to replace Ms Martina Renner (UEL) by Mr Harald Petzold (UEL) on the Sub-Committee on Human Rights;
- **Abolition of the Death Penalty in member and observer states of the Council of Europe, Belarus and in Partner for Democracy states – overview of the current situation** (*General Rapporteur on the abolition of the death penalty: Ms Marietta Karamanli, France, SOC*): decided, in the absence of the rapporteur, to return to this point at the next meeting of the Committee;
- **Participation of members in conferences, meetings, seminars etc.:** heard a report by Mr Michael McNamara (Ireland, SOC), who had represented the Assembly in the following events:
  - the Council for Democratic Elections (of the Venice Commission) 18 June 2015; and
  - the 103<sup>rd</sup> plenary session of the European Commission for Democracy through Law (Venice Commission), 19-20 June 2015;
- **Urgent need to prevent human rights violations during peaceful protests** (*Rapporteur: Ms Ermira Mehmeti Devaja, “The former Yugoslav Republic of Macedonia”, SOC*): held a hearing with the participation of Mr Michael Boyle, Chief Executive, the Northern Ireland Police Fund, Belfast, Northern Ireland, United Kingdom and Mr John Dalhuisen, Director for Europe and Central Asia, Amnesty International;

- **Other business (continued):**
  - **Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?** (*Rapporteur: Mr Michael McNamara, Ireland, SOC*): agreed to a request by the Rapporteur to hold another hearing and to invite two representatives of the regional authorities, subject to the availability of funds,
- **on Thursday 25 June 2015 at 8.30 am,**
- **Sub-Committee on Human Rights:** heard a statement by the Vice-Chairperson of the Sub-Committee with regard to its meeting held in Strasbourg on 24 June 2015 and endorsed the proposals of the Sub-Committee concerning the lists of candidates to the European Committee for the Prevention of Torture (CPT) submitted by the parliamentary delegations of Belgium, Greece, Italy, Latvia, Lithuania and Poland. The Committee also endorsed the proposal of the Sub-Committee to reject the list from the delegation of Azerbaijan and to request a new list from this delegation, and for the Chairperson of the Committee to write to the head of the Azerbaijani delegation to request clarification with respect to the curriculum vitae of one of the candidates ;
- **Other business (continued):**
  - **World Forum on Democracy – Freedom vs control: For a democratic response:** proposed Messrs Pieter Omtzigt (Netherlands, EPP/CD) and Sergio Divina (Italy, NR) as members to the *ad hoc* committee of the Bureau attending the World Forum on Democracy on 18-20 November 2015 in Strasbourg;
  - **Transparency and openness in European institutions** (*Rapporteur: Ms Nataša Vučković, Serbia, SOC*): held a hearing with the participation of Mr Francesco Maiani, Associate Professor, *Institut des hautes études en administration publique (IDHEAP)*, Lausanne, Switzerland and member of the Venice Commission (San Marino); Mr Olivier Hoedeman, Research and Campaigns Coordinator, Corporate Europe Observatory, Brussels, Belgium; and Ms Marta Hirsch-Ziembinska, Head of Unit, Office of the European Ombudsman, Strasbourg, France ;
  - **Abuse of pre-trial detention in States Parties to the European Convention on Human Rights** (*Rapporteur: Mr Pedro Agramunt, Spain, EPP/CD*): considered a draft report and adopted a draft resolution and a draft recommendation. The Committee took note of Ms Beselia's intention to submit a dissenting opinion to this report;
  - **Next meetings:** took note of forthcoming meetings

*Plenary Committee:*

Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2015 (28 September – 2 October 2015)  
 Paris, 2 November 2015 (Council of Europe Office)  
 Paris, 8 December 2015 (Council of Europe Office)

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**The Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 24 June 2015 at 2 pm, with Ms Meritxell Mateu Pi (Andorra, ALDE), as regards:

- **European Committee for the Prevention of Torture (CPT):** considered and made recommendations to the plenary committee regarding the lists of candidates to the CPT in respect of Belgium, Greece, Italy, Latvia, Lithuania and Poland. Regarding Azerbaijan, the Sub-Committee decided to recommend to the plenary committee to request this delegation to provide a new list, and to ask the Chairperson of the Committee to request clarification from the chairperson of the Azerbaijani delegation regarding the curriculum vitae of one of the candidates ;
- **Follow up to the annual report of the CPT: pressure on interlocutors of the CPT:** held a discussion with three representatives of delegations – Mr Latchezar Toshev, Chief expert at the Foreign Affairs Committee of the National Assembly of the Republic of Bulgaria and Honorary

Associate of PACE; Mr Bence Tuzson, member of the Parliamentary Delegation of Hungary, and Mr Aleksandar Nikoloski, Chairperson of the Parliamentary Delegation of “The former Yugoslav Republic of Macedonia”. All three delegations had replied to the Chair’s letter requesting details of the measures taken to investigate the findings of the CPT as regards retaliation against interlocutors of the CPT. The Sub-Committee agreed to make the written replies received (including that of the delegation of Azerbaijan, whose Chair was unable to attend), available to the CPT. It also invited its chairperson to remind the other delegations cited in the report (Armenia, Greece, The Republic of Moldova, Russian Federation, Spain and Ukraine), who had not yet replied to do so in good time before the 4<sup>th</sup> part-session, during which the Sub-Committee would continue this discussion.

Andrew Drzemczewski, Günter Schirmer, Agnieszka Szklanna, Anne-Katrin Speck

cc: Secretary General of the Assembly  
Director General, Director and all staff of the Secretariat of the Assembly  
Secretaries of National Delegations and of Political Groups of the Assembly  
Secretaries of observer and partner for democracy delegations  
Secretary General of the Congress  
Secretary to the Committee of Ministers  
Directors General  
Director of the Private Office of the Secretary General of the Council of Europe  
Director of the Office of the Commissioner for Human Rights  
Director of Communication  
Permanent Representations to the Council of Europe