



SECRETARIAT

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5 October 2015

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

### Synopsis of the meeting held in Strasbourg on 28 September – 1 October 2015

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 28 September to 1 October 2015 with, on Monday 28 September, Mr Michael McNamara (Ireland, SOC), 1<sup>st</sup> Vice-Chairperson, and thereafter Mr James Clappison (United Kingdom, EC) in the Chair, as regards:

- on Monday 28 September 2015 at 2pm,
- **After Dublin - the urgent need for a real European asylum system** (*Rapporteur for opinion: Mr Boriss Cilevičs, Latvia, SOC*) (*Rapporteur for the Committee on Migration, Refugees and Displaced Persons: Mr Michele Nicoletti, Italy, SOC*): considered a report tabled by the Committee on Migration, Refugees and Displaced Persons and considered and approved the Committee's opinion;
- **Freedom of religion and living together in a democratic society** (*Rapporteur for opinion: Sir Edward Leigh, United Kingdom, EC*) (*Rapporteur for the Committee on Culture, Science, Education and Media: Mr Rafael Huseynov, Azerbaijan, ALDE*): considered a report tabled by the Committee on Culture, Science, Education and Media and considered and approved the Committee's opinion;
- **Implementation of judgments of the European Court of Human Rights** (*Rapporteur: Mr Klaas de Vries, Netherlands, SOC*): considered and approved an addendum to the report;
- **Administrative detention** (*Rapporteur: Lord Richard Balfe, United Kingdom, EC*): considered an introductory memorandum. Agreed to request the Bureau for an extension of the reference until 31 December 2016. Agreed to the Rapporteur's request to invite three experts to a hearing on this subject at a future meeting (one expert with respect to the subject of Doc. 13746: Motion for resolution on "When human rights provide protection to individuals who represent a threat to national security" which was referred to the Committee for inclusion in this report following the Bureau's decision on 31 August 2015);
- **Other business:**
  - **ECHR Article 52 inquiry:** took note of an information note presented on behalf of the Chairperson following his exchange of views on the matter during the 2015 June part-session with the Secretary General of the Council of Europe and welcomed the latter's initiative to request information from all Contracting Parties concerning illegal CIA detentions and renditions;
  - **Extension of references:** agreed to request the Bureau to extend the following references:
    - "Accession of the European Union to the European Convention on Human Rights: Election of Judges" (new rapporteur to be appointed on Tuesday 29 September) until 31 December 2016; and
    - "Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)" until 30 April 2016 (Rapporteur: Mr Michael McNamara, Ireland, SOC);

- **Declassification of Minutes:** agreed to declassify the part of the minutes of the meeting held in Yerevan on 19-20 May 2015 pertaining to the hearing on “Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)”;
  - **Sub-Committees:** agreed to add Mr Tom Pakalén (Finland, EC) to the Sub-Committee on Crime Problems and the Fight Against Terrorism and, following changes in delegations, to add the following persons from the waiting list to the Sub-Committee on Human Rights: Lord Richard Balfe (United Kingdom, EC), Mr Leonid Yemets (Ukraine, EPP/CD) and Mr Georgi Logvynski (Ukraine, EPP/CD). Also agreed to add Mr Frank Schwabe (Germany, SOC) and Ms Sirkka-Lissa Antilla (Finland, ALDE) from the waiting list to the Sub-Committee on the implementation of judgments to the European Court of Human Rights;
- **on Tuesday 29 September 2015 at 8.15 am,**
    - **Visit to the European Court of Human Rights:** together with members of the Committee on the Election of Judges to the European Court of Human Rights, visited the Court for an exchange of views on the work and organisation of the Court;
- **on Tuesday 29 September 2015 at 2 pm,**
    - **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*): discussed an information note prepared by the General Rapporteur;
    - **Legal remedies to human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities** (*Rapporteur: Ms Marieluise Beck, Germany, ALDE*): owing to the absence of the Rapporteur, decided to postpone consideration of the introductory memorandum until its next meeting;
    - **The crash of Polish Air Force Tu-154 transporting the Polish delegation on 10 April 2010 on the Russian Federation's territory** (*Rapporteur: Mr Robert Neill, United Kingdom, EC*): considered an introductory memorandum and agreed to the Rapporteur's request to obtain information from the Polish and Russian authorities, and to invite two experts to a hearing on the subject foreseen for the meeting on 8 December in Paris (subject to the availability of funds);
    - **Appointment of rapporteurs:**
      - Accession of the European Union to the European Convention on Human Rights: Election of Judges (appointment of new rapporteur following the resignation of Mr Jordi Xuclà, Spain, ALDE): appointed Mr Luc Recordon (Switzerland, SOC);
      - Securing access of detainees to lawyers: appointed Ms Marietta Karamanli (France, SOC) and heard from her a declaration of absence of any conflict of interest;
      - Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan (for opinion) (appointment of a new rapporteur following the resignation of Mr James Clappison, United Kingdom, EC) (Rapporteur for the Committee on Committee on Political Affairs and Democracy: Ms Josette Durrieu, France, SOC): appointed Mr Jordi Xuclà (Spain, ALDE) and heard from him a declaration of absence of any conflict of interest;
    - **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of the reply from the Committee of Ministers on the Assembly's Recommendation 2063 (2015) on “Witness protection as an indispensable tool in the fight against organised crime and terrorism in Europe”;
- **on Wednesday 30 September 2015 at 2 pm,**
    - **Implementation of judgments of the European Court of Human Rights** (*Rapporteur: Mr Klaas de Vries, Netherlands, SOC*): considered and took position on one amendment to the draft resolution;
- **on Thursday 1 October 2015 at 8.30 pm,**
    - **Sub-Committee on Human Rights:** in the absence of the Chair and Vice-Chair of the Sub-Committee, heard a statement by Mr Boriss Cilevičs (Latvia, SOC), member of the Sub-Committee,

with regard to its meeting held in Strasbourg on 30 September 2015, and endorsed the proposals of the Sub-Committee concerning the list of candidates to the European Committee for the Prevention of Torture (CPT) submitted by the parliamentary delegation of the Russian Federation; endorsed the proposal of the Sub-Committee that the Bureau reject the list put forward by the Maltese delegation and that it requests a new list; and, as concerns pressure on interlocutors of the CPT, agreed to the Sub-Committee's proposal to request the Bureau to seize the Committee for a report on intimidation and reprisals against individuals who denounce ill-treatment;

- **Abuse of pretrial detention in States Parties to the European Convention on Human Rights** (*Rapporteur: Mr Pedro Agramunt, Spain, EPP/CD*): considered and took position on 13 amendments to the draft resolution;
- **Strengthening the protection and role of human rights defenders in Council of Europe member states** (*Rapporteur: Ms Mailis Reps, Estonia, ALDE*): in the absence of the Rapporteur, held a hearing with the participation of Ms Souhayr Belhassen, Honorary President, International Federation for Human Rights (FIDH), Paris, and Mr Andrew Anderson, Deputy Director, Front Line Defenders, The International Foundation for the Protection of Human Rights Defenders, Dublin;
- **Next meetings**: took note of the forthcoming meetings:

*Plenary Committee:*

- 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 30 September 2015 at 2 pm, with Ms Inese Lībiņa-Egnere (Latvia, EPP/CD), Vice-Chairperson, in the Chair, as regards:

- **European Committee for the Prevention of Torture (CPT)**: considered and made recommendations to the plenary committee regarding the list of candidates to the CPT in respect of the Russian Federation. Decided to recommend to the plenary committee that it propose to the Bureau the rejection of the list from the Maltese delegation and that a new list be requested;
- **Follow up to the annual report of the CPT: pressure on interlocutors of the CPT**: held a discussion with representatives of the delegations of Armenia, Greece, the Republic of Moldova and Ukraine, and took note that the delegations of the Russian Federation and Spain had not yet provided a reply to the Chairperson's letter. Agreed to the Chairperson's proposal to submit a request to the plenary Committee and, upon the latter's endorsement, to the Bureau, for the Committee on Legal Affairs and Human Rights to be seized for a report on this matter;
- **CPT's public statement on Bulgaria**: held an exchange of views with Ms Dzhema Grozdanova, Head of the Bulgarian delegation, and Mr Andrey Jankulov, Deputy Minister of Justice of Bulgaria.

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