



SECRETARIAT

AS/Jur (2016) CB 01
1 February 2016

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

Synopsis of the meeting held in Strasbourg on 25-28 January 2016

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 25 to 28 January 2016:

- **on Monday 25 January 2016 at 2pm**, with Mr Philippe Mahoux (Belgium, SOC) oldest member present, then Mr Alain Destexhe (Belgium, ALDE) in the Chair, as regards:
 - **Election of the Bureau of the Committee**: elected, by acclamation, Mr Alain Destexhe (Belgium, ALDE) as Chairperson, and Mr Bernd Fabritius (Germany EPP/CD), Mr Pierre-Yves Le Borgn' (France, SOC)¹, and Mr Morton Wold (Norway, EC) as 1st, 2nd and 3rd Vice-Chairpersons, respectively;
 - **Constitution of Sub-Committees**: agreed to constitute the Committee's three sub-committees, namely:
 - i. Sub-Committee on Crime Problems and the Fight against Terrorism
 - ii. Sub-Committee on Human Rights
 - iii. Sub-Committee on the implementation of judgments of the European Court of Human Rights
 - **Debate under urgent procedure – Combating international terrorism while protecting Council of Europe standards and values**: appointed Mr Pierre-Yves Le Borgn' (France, SOC), as Rapporteur for opinion on the report by the Committee on Political Affairs and Democracy;
 - **Foreign fighters in Syria and Iraq** (Rapporteur for opinion: Mr Pieter Omtzigt, Netherlands, EPP/CD) (Rapporteur: Mr Dirk Van der Maelen, Belgium, SOC): considered a report tabled by the Committee on Political Affairs and Democracy, and considered and approved the Committee's opinion;
 - **Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan** (Rapporteur for opinion: Mr Jordi Xuclà, Spain, ALDE) (Rapporteur: Ms Josette Durrieu, France, SOC): considered a report tabled by the Committee on Political Affairs and Democracy, and considered and approved the Committee's opinion;
 - **Judicial Corruption: urgent need to implement the Assembly's proposals** (Rapporteur for the addendum: Mr Michael McNamara, Ireland, SOC): in the absence of the Rapporteur considered and approved an addendum to the report;
- **on Tuesday 26 January 2016 at 8.30am**, as regards:
 - **Composition of Sub-Committees**: approved the composition of the Committee's three sub-committees (see appendix);

¹ Mr Le Borgn' subsequently withdrew as 2nd Vice-Chair and Mr Frank Schwabe was elected 2nd Vice-Chair by acclamation on Thursday 28 January 2016.

– **Appointment of rapporteurs:**

For report:

- Co-operation with the International Criminal Court: towards a concrete and expanded commitment: appointed Mr Alain Destexhe, Belgium, ALDE;
- 25 years of the CPT, achievements and improvements needed: appointed Mr Jordi Xuclà, Spain, ALDE;
- Human Rights compatibility of investor-State arbitration in international investment protection agreements (re-appointment following the departure of Mr José María Beneyto, Spain, EPP/CD who has left the Assembly): appointed Mr Pieter Omtzigt, Netherlands, EPP/CD;
- Accession of the European Union to the European Convention on Human Rights: Election of Judges (re-appointment following the departure of Mr Luc Recordon, Switzerland, SOC, from the Assembly): appointed Lord Richard Balfe, UK, EC;

General Rapporteur:

- General Rapporteur on the abolition of the death penalty: appointed Ms Meritxell Mateu (Andorra, ALDE);

– **Follow-up to Bureau decision of 14 December 2015 concerning “Motion for a resolution, “Jurisdictional immunity of international organisations and rights of their staff: consultation of the Committee on Legal Affairs and Human Rights on a possible follow-up” (Doc 13905):** decided to request the Bureau to refer this subject to the Committee for a report;

– **Appointment of representatives of the Committee:** decided to propose to the Bureau the following nominations for representatives of the Committee to the following bodies for 2016:

- i. European Commission for Democracy through Law (Venice Commission)
Mr Philippe Mahoux (Belgium, SOC) – titular member
Mr Bernd Fabritius (Germany, EPP/CD) – substitute
- ii. Council for Democratic Elections (of the Venice Commission)
Lord Richard Balfe (United Kingdom, EC) – titular member
Ms Eka Beselia (Georgia, SOC) – substitute
- iii. Group of States against Corruption (GRECO)
Mr Sergiy Vlasenko (Ukraine, EPP/CD) – titular member
Mr Virenda Sharma (United Kingdom, SOC) – substitute
- iv. Moneyval
Mr Pieter Omtzigt (Netherlands, EPP/CD) – titular member
Ms Meritxell Mateu (Andorra, ALDE) – substitute

– **Request for the creation of a General Rapporteurship on the protection of Human Rights Defenders:** decided to request the Sub-Committee on Human Rights to consider how this proposal is to be dealt with;

– **Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities (Rapporteur: Ms Marielouise Beck, Germany, ALDE):** held a hearing with the participation of:

Mr Vladimir Kara-Murza, Coordinator, Open Russia, Moscow
Ms Svitlana Valko, Field Mission Coordinator, International Partnership for Human Rights, Kyiv, Ukraine

• **on Tuesday 26 January 2016 at 3pm, as regards:**

– **Debate under urgent procedure - Combating international terrorism while protecting Council of Europe standards and values (Rapporteur for opinion: Mr Pierre-Yves, Le Borgn’, France, SOC):**

considered and approved of the Committee's opinion on the report by the Committee on Political Affairs and Democracy;

- **Implementation of judgments of the European Court of Human Rights (9th report)** (*Rapporteur: Mr Pierre-Yves Le Borgn', France, SOC*): considered a working document entitled "Impact of the European Convention on Human Rights in States Parties: selected examples" prepared by the secretariat. Took note of the translation of the Russian Federation's legislation, which came into effect in December 2015, permitting the Constitutional Court to determine whether the findings of international bodies on the protection of human rights and freedoms are to be implemented or not, and noted that a request had been addressed to the Venice Commission for an opinion on this matter;
- **Abusive use of the Interpol system: the need for more stringent legal safeguards** (*Rapporteur: Mr Bernd Fabritius, Germany, EPP/CD*): heard a statement by the Rapporteur on his recent fact-finding visit to Interpol's headquarters in Lyon (France). Agreed to the Rapporteur's request to hold a second hearing on the subject with two representatives of Interpol and a representative of Fair Trials International at a forthcoming meeting, subject to the availability of funds;
- **Human Rights in the North Caucasus: what follow-up to [Resolution 1738 \(2010\)](#)?** (*Rapporteur: Mr Michael McNamara, Ireland, SOC*): on the request of the Rapporteur presented in his absence by the Chair, the Committee decided to invite Ms. Lokshina (Human Rights Watch) and Ms Gnezdilova (Russia Justice Initiative) to speak at the hearing on 28 January 2016 in view of the non-participation of the official representatives invited earlier, subject to the availability of funds.
- **Thursday 28 January 2016 at 8.30am**, as regards:
 - **2nd Vice-Chairperson**: following the withdrawal of Mr Pierre-Yves Le Borgn' as 2nd Vice-Chairperson, the Committee elected Mr Frank Schwabe (Germany, SOC) by acclamation;
 - **Sub-Committee on Human Rights**: heard a report by Ms Mailis Reps, Vice-Chairperson of the Sub-Committee, on the meeting held in Strasbourg on Wednesday 27 January 2016 and endorsed the proposals of the Sub-Committee concerning the lists submitted by the delegations of Malta and Romania. The Committee also endorsed the proposal of the Sub-Committee to reject the list from the delegation of Azerbaijan and to invite this delegation to submit a new list;
 - **Strengthening the protection and role of human rights defenders in Council of Europe member States** (*Rapporteur: Ms Mailis Reps, Estonia, ALDE*): took position on 5 amendments to the draft resolution and draft recommendation;
 - **How to prevent inappropriate restrictions on NGO activities in Europe** (*Rapporteur: Mr Yves Cruchten, Luxembourg, SOC*): took position on 6 amendments to the draft resolution and draft recommendation;
 - **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 2069 \(2015\)](#), "Drones and targeted killings: the need to uphold human rights and international law" and of the former rapporteur's comments with respect to the said reply;
 - **Work programme of the Committee: Priorities for 2016**: took note of the Committee's work programme for 2016;
 - **Other business**:
 - **Annual ticket**: noted that the meeting could not take place in Ireland owing to a clash of dates with other meetings;
 - **Committee information documents**: took note of two Committee information documents, namely the "Work of the Committee on Legal Affairs and Human Rights (AS/JUR)" and the "Overview of core Council of Europe human rights monitoring mechanisms and related activities";

- **Václav Havel Human Rights Prize:** took note of the call for candidatures for the Assembly's *Václav Havel Human Rights Prize*;
- **Sub-Committees:** noted the following additions since the approval of the composition of Sub-Committees on Tuesday 26 January 2016 as follows: Mr José María Chiquillo (Spain, EPP/CD) and Ms Soraya Rodríguez (Spain, SOC), to become members of the Sub-Committee on Human Rights. Mr Nico Schrijver (Netherlands, SOC), Mr Koos Schouwenaar (Netherlands, ALDE) and Mr Gidi Markusower (Netherlands, NR) to be added to the Sub-Committee on Crime Problems and the Fight against Terrorism. Mr Pieter Omtzigt (Netherlands, EPP/CD), Mr Nico Schrijver (Netherlands, SOC), and Mr Koos Schouwenaar (Netherlands, ALDE) to be added to the Sub-Committee on the implementation of judgments of the European Court of Human Rights;

- **Human Rights in the North Caucasus: what follow-up to [Resolution 1738 \(2010\)](#)?** (*Rapporteur: Mr Michael McNamara, Ireland, SOC*): held a hearing with the participation of:

Ms Olga Gnezdilova, Legal Director, Russia Justice Initiative, Berlin

Ms Tanya Lokshina, Russia Program Director of Human Rights Watch, Moscow

- **Thursday 28 January 2016 at 2pm with Ms Mailis Reps, Estonia, ALDE** (Vice-Chairperson of the Sub-Committee on Human Rights) in the Chair, as regards:

- **The need to eradicate statelessness of children** (*Rapporteur for opinion: Mr Boriss Cilevičs, Latvia, SOC*) (*Rapporteur: Mr Manlio Di Stefano, Italy, NR*): considered a report tabled by the Committee on Migration, Refugees and Displaced Persons, and considered and approved the Committee's opinion to be presented at the Standing Committee meeting on 4 March 2016;

- **Other business:**

- **Sub-Committees:** took note of further additions to Sub-Committees since the approval of the composition of Sub-Committees on Tuesday 26 January as follows: Mr Şaban Dişli (Turkey, EPP/CD) as alternate to Ms Leyla Şahin Usta (Turkey, EC) on the Sub-Committee on the implementation of judgments of the European Court of Human Rights and Ms Leyla Şahin Usta (Turkey, EC) as alternate to Mr Şaban Dişli (Turkey, EPP/CD) on the Sub-Committee on Human Rights;

- **Joint Hearing on "The State of Democracy and the Rule of Law in Poland"**: agreed to a proposal by Lord Donald Anderson (United Kingdom, SOC) to hold a joint hearing on this subject with the Committee on Political Affairs and Democracy in Paris on the morning of 8 March 2016, subject to the availability of funds;

- **Next meetings:**

Plenary Committee:

- Paris, 7 and 8 (morning only) March 2016 (Council of Europe Office on 7 March; venue for the joint hearing on the morning of 8 March tbc)
- Strasbourg, during the Assembly's 2nd part-session of 2016 (18- 22 April 2016)
- ..., May 19-20 2016, date and place tbc
- Strasbourg, during the Assembly's 3rd part-session of 2016 (20-24 June 2016)
- Paris, 7 September 2016, tbc
- Strasbourg, during the Assembly's 4th part-session of 2016 (10-14 October 2016)
- Paris, 8 November 2016, tbc
- Paris, 13 December 2016, tbc.

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on Tuesday 26 January 2016 at 2pm, with Mr Şaban Dişli (Turkey, EPP/CD), oldest member present, then Ms Inese Lībiņa-Egnere (Latvia, EPP/CD) in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Ms Inese Lībiņa-Egnere (Latvia, EPP/CD) Chairperson, and Ms Mailis Reps (Estonia, ALDE) Vice-Chairperson, both by acclamation;
- **Next meeting:** Wednesday 27 January 2016 at 2.45pm.

The Sub-Committee on Crime Problems and the Fight against Terrorism (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on Tuesday 26 January 2016 at 2.10pm, with Mr Alain Destexhe (Belgium, ALDE), oldest member present, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** postponed the election of the bureau until the April 2016 part-session as no eligible candidates were present;
- **Next meeting:** during the April part-session 2016.

The Sub-Committee on the implementation of judgments of the European Court of Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on Tuesday 26 January 2016 at 2.20pm, with Lord Richard Balfe (United Kingdom, EC), oldest member present, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Lord Richard Balfe (United Kingdom, EC), Chairperson and Ms Eka Beselia (Georgia, SOC) Vice-Chairperson, both by acclamation;
- **Next meeting:** left it up to the Chairperson to convene the next meeting.

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on Wednesday 27 January 2016 at 2.45pm, with Ms Inese Lībiņa-Egnere (Latvia, EPP/CD) in the Chair, as regards:

- **European Committee for the Prevention of Torture (CPT):** considered and made recommendations to the plenary Committee for the lists of candidates to the CPT in respect of Malta and Romania. Regarding Azerbaijan, the Sub-Committee decided to recommend to the plenary Committee to request this delegation to provide a new list.
- **Next meeting:** during the April part-session 2016.

Andrew Drzemczewski, Günter Schirmer, Agnieszka Szklanna, Véronique Lerch

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

SECRETARIAT

Appendix / Annexe
Composition of Sub-Committees
Composition des sous-commissions

Sub-Committee on Human Rights (29 seats)

Sous-commission des Droits de l'Homme (29 sièges)

List of members
Liste des membres

<u>Titular member / Membre titulaire</u>			<u>Alternate member / Membre remplaçant</u>		
1.	Ms	LIBINA-EGNERE Inese (Chairperson/Présidente)	Latvia/Lettonie	Mr	CILEVIČS Boriss
2.	Ms	REPS Mailis (Vice-Chairperson / Vice-Présidente)	Estonia/Estonie		
3.	Mr	AIELLO Ferdinando	Italy/Italie	Ms	BERNINI Anna Maria
4.	Mr	CHIQUILLA José María	Spain/ Espagne		
5.	Mr	DİŞLİ Şaban	Turkey/Turquie	Ms	USTA Lelya Şahin
6.	Ms	FERNANDES Suella	United Kingdom / Royaume-Uni	Mr	SALMOND Alex
7.	M.	GERMAN Hannes	Switzerland/Suisse	Mr	COMTE Raphaël
8.	Ms	GUSTAFSSON Azadeh Rojan	Sweden/Suède	Mr	GUNNARSSON Jonas
9.	Mr	HANZEK Matjaž	Slovenia/ Slovénie		
10.	Ms	HÜBINGER Anette	Germany/Allemagne	Mr	WADEPHUL Johann
11.	Mr	HUSEYNOV Rafael	Azerbaijan/Azerbaïdjan		
12.	Mr	IODACHE Florin	Romania/Roumanie	Mr	FLOREA Daniel
13.	Mr	LOGVYNSKYI, Georgii	Ukraine		
14.	Mr	MARTINS Alberto	Portugal/Portugal		
15.	Mme	MATEU Meritxell	Andorra/Andorre		
16.	Mr	McNAMARA Michael	Ireland/Irlande		
17.	Mr	NICOLAIDES Nicos	Cyprus/Chypre	Mr	LOUKAIDES George
18.	Mr	OMTZIGT Pieter	Netherlands/Pays-Bas		
19.	Mr	PETZOLD Harold	Germany / Allemagne		
20.	M.	ROCHEBLOINE François	France	Mr	LE BORGN' Pierre-Yves
21.	Ms	RODRÍGUEZ Soraya	Spain/ Espagne		
22.	Mr	SHARMA Virendra	United Kingdom / Royaume-Uni	Mr	BYRNE Liam
23.	Mme	TAKTAKISHVILI, Chiora	Georgia / Géorgie		
24.	Mr	TZAVARAS Konstantinos	Greece / Grèce	Ms	VENIZELOS Evangelos
25.	Mme	van VAERENBERGH Kristien	Belgium/Belgique	Mme	LAHAYE-BATTHEU Sabien
26.	Ms	VUKSANOVIĆ, Draginja	Montenegro/ Monténégro	Ms	JONICA Snežana
27.	Mr	YEMETS Leonid	Ukraine		
28.	ZZ				
29.	ZZ				

ex officio: Chairperson AS/JUR, Mr Alain DESTEXHE

Sub-Committee on Crime Problems and the Fight against Terrorism (29 seats)

Sous-commission sur les problèmes criminels et la lutte contre le terrorisme (29 sièges)

List of members
Liste des membres

Titular member /
Membre titulaire

Alternate member /
Membre remplaçant

- | | | | |
|-----|--------------------------------------|-----------------------------|---------------------------------|
| 1. | ZZ (Chairperson/Président) | | |
| 2. | ZZ (Vice-Chairperson/Vice-Président) | | |
| 3. | Mr BILLSTRÖM Tobias | Sweden, Suède | |
| 4. | Mme BRASSEUR Anne | Luxembourg | |
| 5. | Mr COZMANCIUC Corneliu-Mugurel | Romania/Roumanie | Mr BOGDĂNICI, Camelia-Margareta |
| 6. | M. DESTEXHE Alain | Belgium / Belgique | Mr MAHOUX Philippe |
| 7. | Mr DIVINA Sergio | Italy/ Italie | |
| 8. | M. FRIDEZ Jean-Pierre | Switzerland / Suisse | M. GERMANN Hannesl |
| 9. | Ms HÜBINGER Anette | Germany / Allemagne | Mr WADEPHUL Johann |
| 10. | Mr HÜBNER Johannes | Austria / Autriche | |
| 11. | Mr HUSEYNOV Rafael | Azerbaijan/ Azerbaïdjan | |
| 12. | Ms KASIMATI Nina | Greece / Grèce | Ms KANELLI Liana |
| 13. | Mr LOGVYNSKI Georgii | Ukraine | Ms SOTNYK Olena |
| 14. | Mr MARIANI Thierry | France | Mr REICHARDT André |
| 15. | Mr MARKUSOWER Gidi | Netherlands/ Pays-Bas | |
| 16. | Mr MARQUES Duarte | Portugal | |
| 17. | Mr MERRIMAN Huw | United Kingdom/ Royaume-Uni | Mr SHARMA Virenda |
| 18. | Mr MESTERHAZY Attila | Hungary/ Hongrie | |
| 19. | Ms MILADINOVIC Stefana | Serbia / Serbie | |
| 20. | Mr PAKALÉN Tom | Finland/ Finlande | |
| 21. | M. POZZO di BORGO Yves | France | M. GROSDIDIER François |
| 22. | M. RUSTAMYAN Armen | Armenia / Arménie | |
| 23. | Mr SCHOUWENAAR Koos | Netherlands/ Pays-Bas | |
| 24. | Mr SCHRIJVER Nico | Netherlands/ Pays-Bas | |
| 25. | Mr ŠIRCELJ Andrej | Slovenia/Slovénie | |
| 26. | Mr ULLRICH Volker | Germany/ Allemagne | Mr FABRITUS Bernd |
| 27. | Ms USTA Leyla Şahin | Turkey/ Turquie | Mr DIŞLI Şaban |
| 28. | Ms VUKSANOVIĆ Draginja | Montenegro / Monténégro | |
| 29. | | | |

ex officio: Chairperson AS/JUR, Mr Alain DESTEXHE

**Sub-Committee on the implementation of judgments of the European Court of
Human Rights (29 seats)**

**Sous-commission sur la mise en œuvre des arrêts de la Cour européenne des
droits de l'homme (29 sièges)**

List of members
Liste des membres

	<u>Titular member / Membre titulaire</u>		<u>Alternate member / Membre remplaçant</u>
1.	Lord BALFE (Chairperson/Président)	United Kingdom/Royaume-Uni	
2.	Ms BESELIA Eka (Vice-Chairperson/Vice-Présidente)	Georgia / Géorgie	
3.	Ms ANTILLA Sirkka-Lissa	Finland	
4.	Mr CILEVIČS Boriss	Latvia / Lettonie	
5.	Mrs GORGHIU Alina Ștefania	Romania / Roumanie	Mr FLOREA Daniel
6.	Mr GUNNARRSON Jonas	Sweden / Suède	Ms GUSTAFSSON Azaheh Rojhan
7.	Mr HÜBNER Johannes	Austria / Autriche	Mr SCHERAK Nikolaus
8.	Ms JONICA, Snežana	Montenegro	
9.	Mme KARAMANLI, Marietta	France	
10.	M. LE BORGNE Pierre-Yves	France	
11.	Ms LĪBIŅA-EGNERE Inese	Latvia / Lettonie	
12.	Mr MAHOUX Philippe	Belgium/Belgique	Ms LAHAYE-BATTHEU Sabien
13.	Mr McNAMARA, Michael	Ireland / Irlande	
14.	M. MULARCZYK Arkadiusz	Poland / Pologne	
15.	M. MÜLLER Thomas	Switzerland / Suisse	M. FRIDEZ Jean-Pierre
16.	Mr NICOLAIDES Nicos	Cyprus / Chypre	Mr LOUKAIDES, George
17.	Ms NICOLETTI Michele	Italy/Italie	
18.	Mr OMTZIGT Pieter	Netherlands/ Pays-Bas	
19.	Ms REPS Mailis	Estonia	
20.	Mr SCHOUWENAAR Koos	Netherlands/ Pays-Bas	
21.	Mr SCHRIJVER Nico	Netherlands/ Pays-Bas	
22.	Mr SCHWABE Frank	Germany/ Allemagne	
23.	Mr ŠIRCELJ, Andrej	Slovenia / Slovénie	
24.	Ms SOTNYK Olena	Ukraine	
25.	Mr VENIZELOS Evangelos	Greece / Grèce	Ms KANELLI Liana
26.	Mr VLASENKO Sergiy	Ukraine	
27.	Mr YEMETS Leonid	Ukraine	Mr LOGVYNSKI Georgii
28.	Ms USTA Leyla Şahin	Turkey / Turquie	Mr DIŞLI Şaban
29.	ZZ	Portugal	Mr AZEVEDO Sérgio

ex officio: Chairperson AS/JUR, Mr Alain DESTEXHE