



SECRETARIAT

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23 May 2016

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

Synopsis

of the meeting held in Rome, Italy on 17 (afternoon) and 18 May 2016

The Committee on Legal Affairs and Human Rights, meeting in Rome from 17 to 18 May 2016 with Mr Alain Destexhe (Belgium, ALDE) in the Chair, as regards:

- on Tuesday 17 May 2016 at 2 pm,
 - **Opening session** (*open to the media*): heard a welcoming address by Ms Marina Sereni, Vice-President of the Italian Chamber of Deputies, an opening statement by Mr Michele Nicoletti, Chairperson of the Italian PACE delegation, and a statement by Mr Alain Destexhe, Chairperson of the Committee;
 - **Italy: challenges in the implementation of the ECHR**: held an exchange of views with the participation of Mr Andrea Orlando, Minister of Justice (Italy) and Mr Vladimiro Zagrebelsky, former judge of the European Court of Human Rights (Italy);
 - **Administrative detention** (*Rapporteur: Lord Richard Balfe, United Kingdom, EC*): considered a draft report and unanimously adopted a draft resolution;
 - **Co-operation with the International Criminal Court: towards a concrete and expanded commitment** (*Rapporteur: Mr Alain Destexhe, Belgium, ALDE*): held a hearing with the participation of Ms Silvia Alejandra Fernández de Gurmendi, President of the International Criminal Court, The Hague, and Mr David Donat Cattin, Secretary-General, Parliamentarians for Global Action, New York;
- on Wednesday 18 May 2016 at 9.30 am,
 - **Transparency and openness in European institutions** (*Rapporteur: Ms Nataša Vučković, Serbia, SOC*): considered a draft report and unanimously adopted a draft resolution and a draft recommendation;
 - **Implementation of judgments of the European Court of Human Rights (9th report)** (*Rapporteur: Mr Pierre-Yves Le Borgn', France, SOC*): considered an introductory memorandum presented by Mr Boriss Cilevičs (*Latvia, SOC*) on behalf of the rapporteur and agreed to hold a hearing with three experts during the June 2016 part-session, subject to the availability of funds;
 - **Securing access of detainees to lawyers** (*Rapporteur: Ms Marietta Karamanli, France, SOC*): considered an introductory memorandum and agreed to hold a hearing with three experts during the June 2016 part-session, subject to the availability of funds;
 - **25 years of the CPT, achievements and improvements needed** (*Rapporteur: Mr Jordi Xuclà, Spain, ALDE*): considered an introductory memorandum and agreed to hold a hearing with the current President of the CPT and two other experts at a forthcoming meeting, subject to the availability of funds;

– **The crash of Polish Air Force Tu-154 transporting the Polish delegation on 10 April 2010 on the Russian Federation's territory** (*Rapporteur* : Mr Michael McNamara, Ireland, SOC): took note of a background document prepared by the outgoing rapporteur;

– **Call for candidates: rapporteurships**: a call was made for candidates as rapporteurs for the following reports:

Protecting human rights defenders in Council of Europe member States ([Doc. 14000](#));
How can inappropriate restrictions on NGO activities in Europe be prevented? (Bureau decision of 22 April 2016);

– **Abusive use of the Interpol system: the need for more stringent legal safeguards** (*Rapporteur*: Mr Bernd Fabritius, Germany, EPP/CD): held a hearing with the participation of Ms Anna Koj, Head of the EU Office, Open Dialog Foundation, Brussels, Ms Libby McVeigh, Legal and Policy Director, Fair Trials International, London, Mr William Browder, Head of the Global Justice for Sergei Magnitsky Campaign, London and Mr Yaron Gottlieb, Assistant-Director, Office of Legal Affairs, ICPO-INTERPOL;

– **Replies from the Committee of Ministers to recommendations emanating from the Committee**: took note of the reply from the Committee of Ministers to Assembly Recommendation 2081 (2015) on “Abuse of pretrial detention in States Parties to the European Convention on Human Rights”;

– **Other business**:

- **Legal remedies to human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities** (*Rapporteur*: Ms Marieluise Beck, Germany, ALDE): agreed to the rapporteur’s proposal to invite a representative of the Mejlis of the Crimean Tatars and a representative from OSCE/ODIHR to participate in a hearing during the June part-session 2016, subject to the availability of funds;

- **Joint exchange of views with the Venice Commission**: agreed to hold an exchange of views with, inter alia, the President of the Venice Commission and the Chair of the Committee of Ministers, on the topic of the Venice Commission’s “Rule of Law Checklist”, during the June part-session 2016;

- **How can inappropriate restrictions on NGO activities in Europe be prevented?** (*Rapporteur*: Mr Yves Cruchten, Luxembourg, SOC): in the framework of the follow-up to Resolution 2096 (2016) on this subject, agreed to the rapporteur’s participation in a seminar organised in Strasbourg on 6-7 June 2016 by the Conference of INGOs entitled: “Only a matter for politicians? Civil society, money and political activities”, subject to the availability of funds;

- **Azerbaijan’s Chairmanship of the Council of Europe: What follow-up on Respect for Human Rights?** (*Rapporteur*: Mr Alain Destexhe, Belgium; ALDE): agreed to request the Bureau for an extension of the reference until 23 June 2017 and to his fact-finding visit to Azerbaijan, subject to the availability of funds;

- **The need to shed light on the background of the murder of Boris Nemtsov** (*motion for a resolution tabled by Ms Kerstin Lundgren and others, Doc. 13967*): on the basis of Rule 25.2 of the Rules of Procedure, decided to request the Bureau for the Committee to be seized for a report on this subject;

– **Next meetings**: took note of the forthcoming meetings:

Plenary Committee:

- Strasbourg, during the Assembly’s 3rd part-session of 2016 (20-24 June 2016)
- Paris, 6 September 2016 (Council of Europe Office), tbc
- Strasbourg, during the Assembly’s 4th part-session of 2016 (10-14 October 2016)
- Paris, 8 November 2016 (Council of Europe Office), tbc
- Paris, 13 December 2016 (Council of Europe Office), tbc

- on Wednesday 18 May 2016 at 2 pm,
- **Joint seminar with the Committee on Rules of Procedure, Immunities and Institutional Affairs on Parliamentary Responsibility:**

Session 1: Parliamentary accountability: a matter of ethics or politics?: held an exchange of views chaired by Ms Liliana Palihovici (Republic of Moldova, EPP/CD), Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs, with the participation of Mr Nicolò Zanon, Judge of the Constitutional Court, Italy, Mr Krzysztof Drzewicki, Professor at the University of Gdańsk, Faculty of Law and Administration, Poland, and Mr Javier Ballarin Iribarren, Legal Counsellor to the Committee on Justice and the Committee on Immunities of the Senate, Spain;

Session 2: Ensuring respect for ECHR norms: parliamentary structures to supervise compliance: held an exchange of views chaired by Mr Bernd Fabritius (Germany, EPP/CD), 1st Vice-Chairperson of the Committee on Legal Affairs and Human Rights, with the participation of Mr Martin Kuijer, the Legal Advisor, Directorate of Legislation and Legal Affairs, Ministry of Security and Justice, Professor of Human Rights Law at the Vrije Universiteit University of Amsterdam, the Netherlands, Mr Paul Mahoney, Judge of the European Court of Human Rights with respect to the United Kingdom, Strasbourg, France, and Mr Nicola Lupo, Professor of Public Law and Deputy Director of the Centre of Parliamentary Studies, LUISS University, Rome, Italy.

Andrew Drzemczewski, Günter Schirmer, Agnieszka Szklanna, Isild Heurtin

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