



SECRETARIAT

AS/Jur (2016) CB 08

15 December 2016

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

### Synopsis of the meeting held in Paris on 13 December 2016

The Committee on Legal Affairs and Human Rights, meeting in Paris on 13 December 2016, with Mr Alain Destexhe (Belgium, ALDE) in the Chair, as regards:

- **Human Rights compatibility of investor-State arbitration in international investment protection agreements** (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): considered a draft report and unanimously adopted a draft resolution;

- **Appointment of rapporteurs:**

#### For report:

- Opinion on the “*Draft Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (ETS No. 167) and its explanatory report*”: appointed Mr Philippe Mahoux (Belgium, SOC) and heard a declaration from him of absence of conflict of interests;
  - *Compatibility of Sharia law with the European Convention on Human Rights: can States Parties to the Convention be signatories of the “Cairo Declaration”?*: appointed Mr Antonio Gutiérrez, (Spain SOC) and heard a declaration from him of absence of conflict of interests (re-appointment following the departure of Ms Meritxell Mateu (Andorra, ALDE) from the Assembly);
  - *Venice Commission’s “Rule of Law Checklist”*: appointed Mr Philippe Mahoux (Belgium, SOC) and heard a declaration from him of absence of conflict of interests;
  - *General Rapporteur on the abolition of the death penalty*: appointed Mr Yves Cruchten (Luxembourg, SOC) (re-appointment following the departure of Ms Meritxell Mateu (Andorra, ALDE) from the Assembly);
  - *The status of journalists in Europe (for opinion) (Rapporteur for the Committee on Culture, Science, Education and Media: Ms Elvira Drobinski-Weiß, Germany, SOC)*: heard a declaration of absence of conflict of interests from Mr Philippe Mahoux (Belgium, SOC), owing to his absence at the time of appointment as Rapporteur for opinion on 10 October 2016;
- **Call for candidates for rapporteurships**: a call was made for candidates as rapporteurs for the following reports and opinions:

#### For report:

- *Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh*;
- *Fighting organised crime by facilitating the confiscation of illegal assets*;

- *Counter-Narratives to Terrorism*

**For opinion:**

- *Setting minimal standards for electoral systems in order to offer the basis for free and fair elections (Rapporteur for Committee on Political Affairs and Democracy: Ms Elena Centemero, Italy, EPP/CD)*
- *Corruption as governance regime: a barrier to institutional efficiency and progress (re-appointment following the departure of Ms Meritxell Mateu (Andorra, ALDE) from the Assembly. (Rapporteur for the Committee on Political Affairs and Democracy: Mr Michele Nicoletti, Italy, SOC);*

- ***Replies from the Committee of Ministers to recommendations emanating from the Committee:*** took note of the replies from the Committee of Ministers to Assembly Recommendation 2087 (2016) on “Judicial corruption: urgent need to implement the Assembly’s proposals”, Assembly Recommendation 2094 (2016) on “Transparency and openness in European institutions” and Assembly Recommendation 2086 (2016) on “How can inappropriate restrictions on NGO activities in Europe be prevented?”;
- ***Sub-committees 2017:*** reviewed its decision taken during the October part-session 2016 concerning the Sub-Committee on Crime Problems and the Fight against Terrorism and decided to maintain this Sub-Committee for 2017; decided not to pursue the idea of creating a new Sub-Committee on relations with UN Human Rights bodies;
- ***Accession of the European Union to the European Convention on Human Rights: election of judges*** (Rapporteur: Lord Balfe, United Kingdom, EC): heard a report by Lord Balfe on his recent meeting with Mr Claude Moraes, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament;
- ***Participation of members in conferences, meetings, seminars etc.:*** heard reports by the following representatives on the events they had attended:
  - European Commission for Democracy through Law (Venice Commission), 14-15 October 2016 (108<sup>th</sup> plenary session) and 9-10 December 2016 (109th plenary session): Mr Philippe Mahoux (Belgium, SOC)
  - The Council for Democratic Elections (of the Venice Commission), 13 October 2016 and 8 December 2016: Lord Richard Balfe (United Kingdom, EC);
- ***25 years of the CPT, achievements and improvements needed*** (Rapporteur: Mr Jordi Xuclà, Spain, ALDE): held an exchange of views with the Chairperson of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Mr Mykola Gnatovskyy;
- ***Abusive use of the Interpol system: the need for more stringent legal safeguards*** (Rapporteur: Mr Bernd Fabritius, Germany, EPP/CD): held an exchange of views with Mr Jürgen Stock, Secretary General of Interpol, Ms Herta Däubler-Gmelin, former Federal Minister of Justice, Germany, and Mr Jago Russell, Chief Executive, Fair Trials International, London;
- ***Securing access of detainees to lawyers*** (Rapporteur: Ms Marietta Karamanli, France, SOC): considered an information memorandum and agreed to its declassification; considered a draft report and unanimously adopted a draft resolution;
- ***Other business:***
  - ***Decision of the Supreme Court of Azerbaijan to reject the appeal by Ilgar Mammadov in contradiction to the Mammadov v. Azerbaijan judgement of the European Court of Human Rights*** : following a brief exchange of views, noted that this point will be included on the draft agenda for its next meeting;
  - ***Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?*** (Rapporteur : Mr Michael McNamara, Ireland, SOC): owing to the departure of the Rapporteur from the Assembly agreed that Mr Frank Schwabe (Germany, SOC) would present this report on behalf of the

Committee during the January part-session 2017. Agreed to hold a hearing with experts before the debate of this report during the January part-session 2017 to update information contained in the report (subject to the availability of funds);

- **Implementation of judgments of the European Court of Human Rights (9<sup>th</sup> report)** (*Rapporteur: Mr Pierre-Yves Le Borgn'*, France, SOC): authorised fact-finding visits for this report to Bosnia and Herzegovina, Hungary and Ukraine (subject to the availability of funds);

- **Venice Commission's "Rule of Law Checklist"**: (*Rapporteur: Mr Philippe Mahoux*, Belgium, SOC): agreed to hold an exchange of views with the President of the Venice Commission at a forthcoming meeting (subject to the availability of funds);

– **Annual ticket 2017**: decided to hold its May meeting in Belgrade, Serbia, and requested the secretariat to examine whether the proposed dates (18-19 May 2017) are suitable;

• Then with Ms Anne Brasseur (Luxembourg, ALDE) (former President of the Assembly) in the Chair:

– **Jurisdictional immunity of international organisations and rights of their staff** (*Rapporteur: Mr Volker Ullrich*, Germany, EPP/CD): held a hearing with the participation of Ms Mireille Heers, Judge, Administrative Tribunal of the Council of Europe, Ms Monika Polzin, Professor, Faculty of Law, University of Augsburg, and Ms Liesbeth Zegveld, Attorney and Professor at the University of Amsterdam;

– **Next meetings**: took note of the forthcoming meetings and confirmed its meeting on 7 March 2017 at the Council of Europe Office, Paris:

*Plenary Committee:*

- Strasbourg, during the Assembly's 1<sup>st</sup> part-session of 2017 (23-27 January 2017)
- Paris, 7 March 2017 (Council of Europe Office)
- Strasbourg, during the Assembly's 2<sup>nd</sup> part-session of 2017 (24-28 April 2017)
- Belgrade, Serbia, 18-19 May 2017 (dates to be confirmed) (subject to approval by the Bureau and the availability of funds)
- Strasbourg, during the Assembly's 3<sup>rd</sup> part-session of 2017 (26-30 June 2017)
- Paris, 5 September 2017 (Council of Europe Office) (to be confirmed)
- Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2017 (9-13 October 2017)
- Paris, 13 November 2017 (Council of Europe Office) (to be confirmed)
- Paris, 12 December 2017 (Council of Europe Office) (to be confirmed)

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