



SECRETARIAT

AS/Jur (2017) CB 01 REV2
10 March 2017

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

Synopsis of the meeting held in Strasbourg on 23-26 January 2017

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 23 to 26 January 2017:

- **on Monday 23 January 2017 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 Frank Schwabe (Germany, SOC), and Mr Morton Wold (Norway, EC) as 1st, 2nd and 3rd Vice-Chairpersons, respectively;
 - **Addition to the agenda**: took note of the draft motion for resolution proposed by the Chair entitled “*European Court of Human Rights: the way forward, achievements and challenges*” and requested that it be put on the agenda on Thursday 26 January to allow members time to reflect on the content of the proposal;
 - **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
 - **Decision of the Supreme Court of Azerbaijan to reject the appeal by Ilgar Mammadov contrary to the Mammadov v. Azerbaijan judgment of the European Court of Human Rights**: held an exchange of views on the matter decided to send a letter to both the Azerbaijani authorities and the Azerbaijani delegation to PACE condemning the outcome of the appeal and requesting an explanation for the non-implementation of the Court’s judgment. Took note of the Chair’s proposal to hand-deliver this letter during his forthcoming fact-finding visit to Baku (9-10 February 2017), whilst specifying that both the letters and replies be made available to members during the next meeting of the Committee on 7 March 2017 in Paris;
 - **Online media and journalism: challenges and accountability** (*Rapporteur for opinion: Mr Boriss Cilevičs, Latvia, SOC*) (*Rapporteur: Ms Adele Gambaro, Italy, ALDE*): considered a report tabled by the Committee on Culture, Science, Education and Media and considered and approved the Committee’s opinion;
 - **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 2017:
 - 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 Virendra Sharma (United Kingdom, SOC) – substitute
- iv. Moneyval
Mr Pieter Omtzigt (Netherlands, EPP/CD) – titular member
Mr Mart van de Ven (Netherlands, ALDE) – substitute;

– **Appointment of rapporteurs:**

For report:

Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh: appointed Mr Pieter Omtzigt (Netherlands, EPP/CD)

Fighting organised crime by facilitating the confiscation of illegal assets: appointed Mr Mart van de Ven (Netherlands, ALDE)

Counter-Narratives to Terrorism: appointed Mr Liam Byrne (United Kingdom, SOC)

State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights: appointed Mr Raphaël Comte (Switzerland, ALDE)

For opinion:

Setting minimal standards for electoral systems in order to offer the basis for free and fair elections (Opinion): appointed Mr Pierre-Alain Fridez (Switzerland, SOC)
(Rapporteur for the Committee on Political Affairs and Democracy: Ms Elena Centemero (Italy, EPP/CD))

Corruption as governance regime: a barrier to institutional efficiency and progress (Opinion): appointed Mr Vusal Huseynov (Azerbaijan, EPP/CD)
(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))

All of the newly appointed Rapporteurs made a declaration of absence of conflict of interests;

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

For report:

The case for drafting a European Convention on the profession of lawyer

Strengthening international regulations against trade in goods used for torture and the death penalty

For opinion:

Detainees with severe disabilities in Europe
(Rapporteur for the Committee on Equality and Non-Discrimination: Mr Manuel Tornare (Switzerland, SOC));

• **on Tuesday 24 January 2017 at 8.30am**, as regards:

– **Composition of Sub-Committees:** approved the composition of the Committee's three sub-committees (see appendix);

- **Work programme of the Committee: Priorities for 2017:** took note of the Committee's work programme for 2017;
- **Other business:**
 - **Information documents:** took note of the updated versions of two Committee information documents on "Work of the Committee on Legal Affairs and Human Rights (AS/Jur): an overview" and "Overview of core Council of Europe human rights monitoring mechanisms and related activities";
 - **Strengthening the rule of law in South-East European countries through targeted reform of the legal system** (Mr Bernd Fabritius, Germany, EPP/CD): following the Standing Committee's decision of 25 November 2016 inviting the Committee to take into account in this report the motion for a resolution on "New threats to the Rule of Law in Council of Europe member States" (Reference 4255), agreed to the Rapporteur's request to conduct fact-finding visits to Turkey and Poland, subject to the availability of funds;
 - **Implementation of judgments of the European Court of Human Rights (9th report)** (Rapporteur: Mr Pierre-Yves Le Borgn', France, SOC): agreed to the Rapporteur's request to conduct a fact-finding visit to Poland, subject to the availability of funds;
 - **Annual ticket:** confirmed the dates of the Committee's meeting in Belgrade (Serbia) on 18-19 May 2017;
 - **Vaclav Havel Human Rights Prize:** noted the procedure and deadline of 30 April 2017 for submissions of candidates, including the relevant information on the [website](#) ;
- **Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?** (Rapporteur Mr Michael McNamara, Ireland, SOC): on the initiative of Mr Schwabe (Germany, SOC) in the absence of the Rapporteur, (who left the Assembly), held a hearing with the participation of Mr Bjørn Engesland, Secretary General of the Norwegian Helsinki Committee and representative of the Natalia Estemirova Documentation Centre, Oslo, Norway; Ms Tanya Lokshina, Russia Programme Director, Human Rights Watch, Moscow, Russian Federation, and Mr Kirill Koroteev, Senior Lawyer, Memorial Human Rights Centre, Moscow, Russian Federation; decided to request the Bureau to reconsider its decision regarding the timing of the debate on the subject and proposed that it be put on the agenda for the April part-session 2017;
- **Thursday 26 January 2017 at 8.30am**, as regards:
 - **Sub-Committee on Human Rights:** heard a report by Mr Virendra Sharma (United Kingdom, SOC), Chairperson of the Sub-Committee, on the meeting held in Strasbourg on Wednesday 25 January 2017 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 delegations of Austria, Bulgaria, Estonia, Germany, Hungary, Liechtenstein, Sweden, Switzerland and Ukraine;
 - **Venice Commission's "Rule of Law Checklist"** (Rapporteur: Mr Philippe Mahoux, Belgium, SOC): held a hearing with the participation of Mr Kaarlo Tuori, First Vice-President of the Venice Commission, and Ms Sarah Cleveland, member of the Venice Commission for the United States;
 - **White paper on prison overcrowding:** held an exchange of views with Mr Mauro Palma, Commissioner for rights of detainees, Italy, Former President of the CPT;
- **Other business:**
 - **The crash of Polish Air Force Tu-154 transporting the Polish delegation on 10 April 2010 on the Russian Federation's territory** (Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD): agreed to the request by the Rapporteur to carry out fact-finding visits to Poland and the Russian Federation, subject to the availability of funds;
 - **Sub-committees:** took note of further requests and modifications concerning the membership of the three sub-committees; (see Appendix);

- **European Court of Human Rights: the way forward, achievements and challenges (draft motion for resolution proposed by the Chair):** the Committee considered this proposal and agreed to continue the discussion at the forthcoming meeting on 7 March 2017;

• **Thursday 26 January 2017 at 2pm**, as regards:

- **Human Rights compatibility of investor-State arbitration in international investment protection agreements** (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): took position on 19 amendments to the draft resolution;

- **Other business:**

- **State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights:** heard a statement from the Rapporteur, Mr Raphaël Comte (Switzerland, ALDE) about his intention to present a draft written submission to the Committee at its next meeting with a view to transmitting it to the Joint Committee on Human Rights of the United Kingdom's parliament in response to its call for written contributions on the subject by 31 March 2017;

- **Sub-committees:** took note of a final request (the full list of the final composition of the Sub-Committees as agreed by the plenary Committee is available in the Appendix).

- **Next meetings:** took note of the forthcoming meetings as follows:

Plenary Committee:

- Paris, 7 March 2017 (Council of Europe Office)
- Strasbourg, during the Assembly's 2nd part-session of 2017 (24-28 April 2017)
- Belgrade (Serbia), 18-19 May 2017 (subject to the availability of funds)
- Strasbourg, during the Assembly's 3rd part-session of 2017 (26-30 June 2017)
- Paris, 5 September 2017 (Council of Europe Office) (to be confirmed)
- Strasbourg, during the Assembly's 4th 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).

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on Tuesday 24 January 2017 at 2pm, with Mr Pieter Omtzigt (Netherlands, EPP/CD), oldest member present, then Mr Virendra Sharma (United Kingdom, SOC) in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Mr Virendra Sharma (United Kingdom, SOC) Chairperson, and Mr Pieter Omtzigt (Netherlands, EPP/CD), Vice-Chairperson, both by acclamation;

- **Next meeting:** Wednesday 25 January 2017 at 2pm.

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 24 January 2017 at 2.10pm, with Mr Philippe Mahoux (Belgium, SOC), oldest member present, in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Mr Georgii Logvynskyi (Ukraine, EPP/CD) Chairperson, and Mr Corneliu Cozmanciuc (Romania, EPP/CD), Vice-Chairperson, both by acclamation;

- **Next meeting:** left it up to the Chairperson to convene the next meeting.

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 24 January 2017 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 Ms Eka Beselia (Georgia, SOC) Chairperson and Lord Richard Balfe (United Kingdom, EC)¹, 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 25 January 2017 at 2pm, with Mr Virendra Sharma (United Kingdom, SOC), 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 Austria, Bulgaria, Estonia, Germany, Hungary, Liechtenstein, Sweden, Switzerland and Ukraine;
- **Next meeting:** during the April part-session 2017.

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

¹ The election of Lord Balfe was later found to be void, Lord Balfe having just finished a mandate of 2 years as Chairperson of the Sub-Committee on the implementation of judgments of the European Court of Human Rights. (Rule 49.7). The election of a Vice-Chairperson will take place at the next meeting of the Sub-committee.

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.	Mr SHARMA Virendra (Chair/Président)	United Kingdom / Royaume-Uni	Mr	BYRNE Liam
2.	Mr OMTZIGT Pieter (Vice-Chair / Vice-Président)	Netherlands/Pays-Bas		
3.	Mr AIELLO Ferdinando	Italy/Italie	Ms	BERNINI Anna Maria
4.	Mr ARNAUT Damir	Bosnia and Herzegovina/ Bosnie- Herzégovine		
5.	Mme BRASSEUR Anne	Luxembourg		
6.	Ms CHUGOSHVILI	Georgia / Géorgie		
7.	Mr DİSLİ Şaban	Turkey/ Turquie	Ms	USTA Leyla Şahin
8.	Mr EFSTATHIOU Constantinos	Cyprus / Chypre	Ms	EROTOKRITOU Christiana
9.	M. GERMANN Hannes	Switzerland/Suisse	Mr	COMTE Raphaël
10.	Ms GORGHIU Alina-Ştefania	Romania/Roumanie		
11.	Mr. GUTIÉRREZ LIMONES Antonio	Spain/ Espagne		
12.	Mr HANZEK Matjaž	Slovenia/ Slovénie		
13.	Ms HÜBINGER Anette	Germany/Allemagne	Mr	WADEPHUL Johann
14.	Mr HUSEYNOV Vusal	Azerbaijan/ Azerbaïdjan		
15.	Mr IBRAHIMOVIC Ervin	Montenegro/ Monténégro		
16.	Ms LIBINA-EGNERE Inese	Latvia/Lettonie	Mr	CILEVIČS Boriss
17.	Mr LOGVYNSKYI, Georgii	Ukraine		
18.	Mr MARTINS Alberto	Portugal/Portugal		
19.	Mr PETZOLD Harold	Germany / Allemagne		
20.	Mr PODOLNJAK Robert	Croatia / Croatie		
21.	Ms RIBERAYGUA Patricia	Andorra / Andorre		
22.	M. ROCHEBLOINE François	France	Mr	LE BORGN' Pierre-Yves
23.	Ms ROJHAN GUSTAFSSON Azadeh	Sweden/Suède	Mr	GUNNARSSON Jonas
24.	Mr SALMOND Alex	United Kingdom / Royaume-Uni		
25.	Mr TZAVARAS Konstantinos	Greece / Grèce	Mr	VENIZELOS Evangelos
26.	Mme van VAERENBERGH Kristien	Belgium / Belgique	Mme	LAHAYE-BATTHEU Sabien
27.	Mr VAREIKIS Egidius	Lithuania / Lituanie	Mr	ZINGERIS Emanuelis
28.	Mr YEMETS Leonid	Ukraine		
29.	ZZ			

ex officio: Chairperson/ Président 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

<u>Titular member /</u> <u>Membre titulaire</u>		<u>Alternate member /</u> <u>Membre remplaçant</u>
1. Mr LOGVYNSKI Georgii (Chair/ Président)	Ukraine	Ms SOTNYK Olena
2. Mr COZMANCIUC Corneliu-Mugurel (Vice-Chair/ Vice Président)	Romania/Roumanie	Mr TUDOSE Mihai
3. Lord BALFE	United Kingdom/Royaume-Uni	
4. Ms BESELIA Eka	Georgia / Géorgie	
5. Mr BILLSTRÖM Tobias	Sweden, Suède	
6. Ms BRASSEUR Anne	Luxembourg	
7. Mr DIVINA Sergio	Italy/ Italie	
8. Mr FARMANYAN Samvel	Armenia / Arménie	
9. M. FRIDEZ Jean-Pierre	Switzerland / Suisse	M. GERMANN Hannes
10. Ms HÜBINGER Anette	Germany / Allemagne	Mr WADEPHUL Johann
11. Mr HÜBNER Johannes	Austria / Autriche	
12. Mr HUSEYNOV Vusal	Azerbaijan / Azerbaïdjan	
13. Mr JOVANOVIĆ, Jovan	Serbia / Serbie	
14. Mr KOÇ Haluk	Turkey/ Turquie	
15. Mr MAHOUX Philippe	Belgium / Belgique	Mme LAHAYE-BATTHEU Sabien
16. Mr MARIANI Thierry	France	Mr REICHARDT André
17. Mr MARKUSZOWER Gidi	Netherlands/ Pays-Bas	
18. Mr MARQUES Duarte	Portugal	
19. Mr MERRIMAN Huw	United Kingdom/ Royaume-Uni	Mr SHARMA Virenda
20. Mr PAKALÉN Tom	Finland/ Finlande	
21. M. POZZO di BORGO Yves	France	M. GROSDIDIER François
22. Mr PSYCHOGIOS Georgios	Greece / Grèce	Ms KANELLI Liana
23. M. REICHARDT André	France	
24. M. RUSTAMYAN Armen	Armenia / Arménie	
25. Mr SCHRIJVER Nico	Netherlands/ Pays-Bas	
26. M. SIMENSEN Kåre	Norway / Norvège	
27. Mr ŠIRCELJ Andrej	Slovenia/Slovénie	
28. Mr ULLRICH Volker	Germany/ Allemagne	Mr FABRITUS Bernd
29. Mr van de VEN, Mart	Netherlands/ Pays-Bas	

ex officio: Chairperson/ Président 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.	Ms BESELIA Eka (Chair/ Présidente)	Georgia/ Géorgie	
2.	ZZ (Vice-Chair/ Vice-Président(e))		
3.	Ms ANTILLA Sirkka-Lissa	Finland/ Finlande	
4.	Mr ARNAUT Damir	Bosnia and Herzegovina	
5.	Lord BALFE	United Kingdom/Royaume-Uni	Ms FERNANDES Suella
6.	M. BIGOT Jacques	France	
7.	Mr CILEVIČS Boriss	Latvia / Lettonie	
8.	Mr EFSTATHIOU Constantinos	Cyprus / Chypre	Ms EROTKRITOU Christiana
9.	Mrs GORGHIU Alina Ștefania	Romania / Roumanie	
10.	Mr GUNNARRSON Jonas	Sweden / Suède	Ms ROJHAN GUSTAFSSON Azadeh
11.	Mr HÜBNER Johannes	Austria / Autriche	Mr SCHERAK Nikolaus
12.	M. JORDANA Carles	Andorra / Andorre	
13.	Mme KARAMANLI, Marietta	France	
14.	Ms LAHAYE-BATTHEU Sabien	Belgium/Belgique	Mr MAHOUX Philippe
15.	M. LE BORGNIER Pierre-Yves	France	
16.	Ms LĪBIŅA-EGNERE Inese	Latvia / Lettonie	
17.	Mr MARTINS Alberto	Portugal	Mr AZEVEDO Sérgio
18.	M. MÜLLER Thomas	Switzerland / Suisse	M. FRIDEZ Pierre-Alain
19.	Mr OMTZIGT Pieter	Netherlands/ Pays-Bas	
20.	Mr RIGONI	Italy / Italie	
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.	Ms USTA Leyla Şahin	Turkey/Turquie	Mr DiSLİ Şaban
26.	Mr van de VEN, Mart	Netherlands/ Pays-Bas	
27.	Mr VENIZELOS Evangelos	Greece / Grèce	Ms KANELLI Liana
28.	Mr VLASENKO Sergiy	Ukraine	
29.	Mr WILK, Jacek	Poland / Pologne	
30.	Mr YEMETS Leonid	Ukraine	

ex officio: Chairperson/ Président AS/JUR, Mr Alain DESTEXHE