



SECRETARIAT

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

### Synopsis of the meeting held in Strasbourg on 25-27 April 2017

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 25 to 27 April 2017, as regards:

- on Tuesday 25 April 2017 at 8.30 am (with Mr Alain Destexhe (Belgium, ALDE) in the Chair),
- **Visit of Mr Alain Destexhe to Syria:** agreed to put this point on the agenda for the meeting on Tuesday 25 April 2017 at 2pm;
- **Hearings on Tuesday morning and Thursday morning:** decided to open both hearings to the public and declassify the introductory memorandum on "**Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh**";
- **Fighting organised crime by facilitating the confiscation of illegal assets** (*Rapporteur: Mr Mart van de Ven, Netherlands, ADLE*): authorised the organisation of a hearing with up to three experts at its next meeting on 18-19 May 2017 in Belgrade (subject to the availability of funds) ;
- **Filming of Committee meetings and transmission via social media and other media outlets:** recalled Rule 48.3 of the Assembly's Rules of Procedure, meaning that members are strictly forbidden to film any part of a meeting unless the Committee decides otherwise; requested Mr Dominik Tarczyński (Poland, EC) to remove from the internet footage that he had posted there of the Committee meeting on 7 March 2017 in Paris;
- **Technological convergence, artificial intelligence and human rights** (*Rapporteur for opinion: Mr Boriss Cilevičs, Latvia, SOC*) (*Rapporteur for the Committee on Culture, Science, Education and Media: Mr Jean-Yves Le Déaut, France, SOC*): considered a report tabled by the Committee on Culture, Science, Education and Media and considered and approved the Committee's opinion;
- **Appointment of rapporteurs:**

#### For opinion:

**Addressing forced marriage: legal provisions and promising practices** (*Rapporteur for the Committee on Equality and Non-Discrimination: Ms Béatrice Fresko-Rolfo, Monaco, EPP/CD*): appointed Ms Azadeh Rojhan Gustafsson (Sweden, SOC) and noted her declaration of absence of conflict of interest;

- **Call for rapporteurs:** made a call for rapporteurs for the following:

#### For report:

*The need to shed light on the background of the murder of Boris Nemtsov*

## For opinion:

*Human rights implications of the European response to transit migration across the Mediterranean (Rapporteur for the Committee on Migration, Refugees and Displaced Persons: Mr Miltiadis Varvitsiotis, Greece EPP/CD);*

- **at 9 am: Joint Hearing with the Committee on Political Affairs and Democracy,**
- ***Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh*** (Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD): considered an introductory memorandum and held a joint hearing (open to the public) with the Committee on Political Affairs and Democracy, with the participation of Ms Nadia Murad, Yazidi survivor of ISIS, winner of the 2016 PACE Vaclav Havel Human Rights Prize (via video link); Ms Ewelina Ochab, legal researcher, PhD scholar, University of Kent, United Kingdom; and Mr Geoffrey Robertson QC, Former President of the UN Special Court for Sierra Leone;
- **on Tuesday 25 April 2017 at 2 pm** (with Mr Alain Destexhe (Belgium, ALDE) in the Chair),
- ***Visit of Mr Alain Destexhe to Syria***: heard a statement by Mr Alain Destexhe (Belgium, ALDE) followed by an exchange of views with Committee members on his recent visit to Syria;
- ***Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?*** (Rapporteur: Mr Michael McNamara, Ireland, SOC): took position on 33 amendments to the draft resolution and draft recommendation;
- ***How can inappropriate restrictions on NGO activities in Europe be prevented?*** (Rapporteur: Ms Aleksandra Djurović, Serbia, EPP/CD): considered an introductory memorandum and decided to return to this point at the Committee's meeting on Wednesday;
- **on Wednesday 26 April 2017 at 2 pm** (with Mr Bernd Fabritius (Germany, EPP/CD), 1st Vice-Chairperson in the Chair),
- ***25 years of the CPT, achievements and improvements needed*** (Rapporteur: Mr Jordi Xuclà, Spain, ALDE): noted that no amendments had been tabled to this report;
- ***Abusive use of the Interpol system: the need for more stringent legal safeguards*** (Rapporteur: Mr Bernd Fabritius, Germany, EPP/CD): noted that no amendments had been tabled to this report;
- ***How can inappropriate restrictions on NGO activities in Europe be prevented?*** (Rapporteur: Ms Aleksandra Djurović, Serbia, EPP/CD): agreed to hold a hearing on the situation of NGOs in the Russian Federation at the meeting in Belgrade on 18-19 May 2017 and to the Rapporteur's request for a fact-finding mission to Turkey, both subject to the availability of funds; decided to return to this point at the Committee's meeting on Thursday;
- **on Thursday 27 April 2017 at 8.30 am** (with Mr Bernd Fabritius (Germany, EPP/CD), 1st Vice-Chairperson in the Chair),
- ***Sub-Committee on Human Rights***: heard a report by Mr Vusal Huseynov (Azerbaijan, ALDE), member of the Sub-Committee on Human Rights, on the meeting held in Strasbourg on Wednesday 26 April 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 Denmark, France, Luxembourg, Republic of Moldova, Monaco, Norway and Serbia; agreed to postpone consideration of lists in respect of Croatia and Slovenia to the June part-session 2017;
- ***How can inappropriate restrictions on NGO activities in Europe be prevented?*** (Rapporteur: Ms Aleksandra Djurović, Serbia, EPP/CD): in the Rapporteur's absence, agreed to authorise the Rapporteur to invite two representatives of the Russian authorities, possibly parliamentarians, and two representatives of Russian NGOs to the hearing at the meeting in Belgrade on 18-19 May, subject to the availability of funds; given the absence of a Russian delegation to the Assembly, decided to ask the President of the Assembly to write to the Speakers of the Federation Council and the State Duma of the Russian Federation in order to invite them to propose two parliamentarians who could be invited to participate in this hearing; invited the Rapporteur to take into account certain specific criteria when

inviting experts and asked the 1<sup>st</sup> Vice-Chairperson to send a letter informing the Rapporteur of these criteria;

- **Venice Commission’s “Rule of Law Checklist”** (*Rapporteur: Mr Philippe Mahoux, Belgium, SOC*): considered an introductory memorandum;

(with Mr Frank Schwabe (Germany, SOC), 2nd Vice-Chairperson in the Chair):

- **Strengthening the rule of law in South-East European countries through targeted reform of the legal system (including Reference 4255 “New threats to the Rule of Law in Council of Europe member States”)** (*Rapporteur: Mr Bernd Fabritius (Germany, EPP/CD)*): held a hearing with the participation of Mr Ireneusz Kaminski, Chair of European and International Law, Professor of Law, Institute of Legal Studies, Polish Academy of Sciences, Warsaw, Poland; Mr Kamil Zaradkiewicz, Professor of Law, Faculty of Law and Administration, Warsaw University; and Mr Jean-Claude Scholsem, Venice Commission alternate member, Professor emeritus, University of Liège, Belgium; agreed to change the title of the report to “New threats to the rule of law in Council of Europe member States: selected examples”; agreed to the Rapporteur’s request to ask the Bureau to extend the reference of this report until 31 October 2017 and to invite an expert to an exchange of views on the situation in Bulgaria at the Committee’s next meeting in Belgrade on 18-19 May 2017, subject to the availability of funds;

(with Mr Bernd Fabritius (Germany, EPP/CD), 1st Vice-Chairperson in the Chair):

- **Addressing the massive curtailment of democratic rights and freedoms in Israel, especially the “Transparency Law”/“NGO Law”**: considered this motion for a resolution as requested by the Bureau and decided to advise the Bureau that no further action should be taken on it;

- **Other business:**

- **State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights** (*Rapporteur: Mr Raphaël Comte, Switzerland, ALDE*): agreed to the Rapporteur’s request to authorise fact-finding visits to France and Turkey, subject to the availability of funds;

- **Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh** (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): agreed to the Rapporteur’s request to issue a questionnaire on the situation in member States concerning prosecution of Daesh members and their position on whether Daesh members had committed genocide;

- **Strengthening international regulations against trade in goods used for torture and the death penalty** (*Rapporteur: Mr Vusal Huseynov, Azerbaijan, EPP/CD*): agreed to the proposal by the Rapporteur to hold a hearing on the subject at the Committee’s next meeting in Belgrade on 18-19 May 2017 and to invite three experts, subject to the availability of funds;

- **Sub-Committee on the implementation of judgments of the European Court of Human Rights**: agreed to the request of the Romanian delegation for Mr Titus Corlatean (EPP/CD) to become the alternate to Ms Alina Gorghiu (EPP/CD) on this Sub-Committee;

- **Next meetings**: took note and confirmed its forthcoming meetings;

*Plenary Committee:*

- Belgrade, Serbia, 18-19 May 2017
- 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)

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**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 25 April 2017 at 3.20 pm, with Ms Eka Beselia, (Georgia, SOC), in the Chair, as regards:

- **Election of the Sub-Committee's Bureau:** elected Mr Leonid Yemets (Ukraine, EPP/CD), Vice-Chairperson, by acclamation;
- **Next meeting:** left it to the Chairperson to convene the next meeting.

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**The Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on 26 April 2017 at 2.30 pm, with Mr Pieter Omtzigt (Netherlands, 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 for the lists of candidates to the CPT in respect of: Denmark, France, Luxembourg, Republic of Moldova, Monaco, Norway and Serbia. Agreed to postpone consideration of lists in respect of Croatia and Slovenia to the June part-session 2017;
- **Next meeting:** during the June 2017 part-session.

Günter Schirmer, David Milner, Agnieszka Szklanna, Isild Heurtin

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