



SECRETARIAT

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23 May 2017

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

Synopsis of the meeting held in Belgrade, Serbia on 18 May 2017

The Committee on Legal Affairs and Human Rights, meeting in Belgrade on 18 May 2017, with Mr Alain Destexhe (Belgium, ALDE) in the Chair, as regards:

- on Thursday 18 May 2017 at 9.30 am,
- **Opening session** (*open to the media*): heard a welcoming address and opening statement by Ms Aleksandra Djurović (Serbia, EPP/CD), Chairperson of the Serbian PACE delegation;
- **Execution of Judgments**: held an exchange of views with the participation of Mr Čedomir Backović, Assistant Minister of Justice of the Republic of Serbia, Ms Nataša Plavšić, Deputy Public Attorney and Agent of the Republic of Serbia before the European Court of Human Rights, and Mr Dragoljub Popovic, former judge with the European Court of Human Rights in respect of Serbia;
- **Implementation of judgments of the European Court of Human Rights (9th report)** (*Rapporteur: Mr Pierre-Yves Le Borgn', France, SOC*): considered a draft report and unanimously adopted a draft resolution and draft recommendation;
- **New threats to the Rule of Law in Council of Europe member states – selected examples** (*Rapporteur: Mr Bernd Fabritius, Germany, EPP/CD*): held an exchange of views with the participation of Mr Hristo Ivanov, former Minister of Justice of Bulgaria, judicial reform expert and advocate, Chairperson of "Da" Bulgaria;
- **Fighting organised crime by facilitating the confiscation of illegal assets** (*Rapporteur: Mr Mart van de Ven, Netherlands, ALDE*): considered an introductory memorandum; held a hearing with the participation of Mr Maurice Kempen, Ministry for Security and Justice, Netherlands, and Mr Kevin McMeel, Head of Section in the Chief State Solicitor's Office, Criminal Assets Bureau, Dublin, Ireland; and agreed to the Rapporteur's request to undertake a fact-finding visit to Dublin, Ireland, and to hold a second hearing, subject to the availability of funds;
- **Strengthening international regulations against trade in goods used for torture and the death penalty** (*Rapporteur: Mr Vusal Huseynov, Azerbaijan, EPP/CD*): considered an introductory memorandum and held a hearing with the participation of Dr Michael Crowley, Research Associate, Omega Research Foundation, and Mr Albert Straver, Administrator in charge of Foreign Policy-related Regulatory Instruments, Service for Foreign Policy Instruments, European Commission;
- **State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights** (*Rapporteur: Mr Raphaël Comte, Switzerland, ALDE*): considered an introductory memorandum;
- **Towards a democratic approach to the issues of governance in European multinational States** (*Rapporteur: Mr Alain Destexhe, Belgium, ALDE*): heard a statement by the Rapporteur and agreed to

the Rapporteur's proposal to issue an information report only on this subject and to inform the Bureau of this decision;

- **Accession of the European Union to the European Convention on Human Rights: Election of Judges** (*Rapporteur: Lord Richard Balfe, United Kingdom, EC*): heard a statement by the Rapporteur ; decided to suspend work on this issue until further notice and to submit a new motion when justified in light of progress made with the EU accession process, and to inform the Bureau of this decision;
- **Restricting rights to protect national security – how far can states go, and Legal challenges arising from the hybrid war** (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*): considered an introductory memorandum, authorised the Rapporteur to hold a hearing on the subject with the participation of three experts, subject to the availability of funds, and agreed to change the title of the report to “Legal challenges related to the hybrid war and human rights obligations”;
- **Appointment of rapporteurs:**

For report:

- **The need to shed light on the background of the murder of Boris Nemtsov:** appointed Mr Emanuelis Zingeris (Lithuania, EPP/CD) and heard from him a declaration of absence of conflict of interest;

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*): in her absence appointed Ms Tineke Strik (Netherlands, SOC) with her declaration of absence of conflict of interest to follow at the next meeting;

- **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 2085 (2016) on “Strengthening the protection and role of human rights defenders in Council of Europe member States”;
- **Participation of members in conferences, meetings, seminars etc.:** heard reports by the following representatives on the events they had attended:
 - The Council for Democratic Elections (of the Venice Commission), 9 March 2017: Ms Eka Beselia (Georgia, SOC);
 - 75th plenary meeting of GRECO, 20-24 March 2017: Mr Sergiy Vlasenko (Ukraine, EPP/CD);
- **How can inappropriate restrictions on NGO activities in Europe be prevented?** (*Rapporteur: Ms Aleksandra Djurović, Serbia, EPP/CD*): heard a statement by the Rapporteur as to why she had asked to postpone the scheduled hearing on the situation of NGOs in the Russian Federation, followed by an exchange of views;
- **Other business:**
 - Azerbaijan’s Chairmanship of the Council of Europe: What follow-up on Respect for Human Rights? (*Rapporteur: Mr Alain Destexhe, Belgium, ALDE*): at the request of the rapporteur, decided to request an extension of the reference until 30 September 2017;
 - Vaclav Havel Human Rights Prize: noted the extension of the deadline for submission of candidatures until 30 June 2017;
 - Letter from Commissioner Cecilia Malmström concerning the report on “Human Rights compatibility of investor-State arbitration in international investment protection agreements” (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): took note of the Commissioner’s letter and of Mr Omtzigt’s intention to follow this up by asking the European Commission for additional comments in light of a recent relevant judgment by the Court of Justice of the European Union;

- Publication of a Handbook on the role of parliaments in implementing European Convention on Human Rights (ECHR) standards: agreed to the request of Mr Pierre-Yves Le Borgn' (France, SOC) to publish a Handbook on the role of parliaments in implementing ECHR standards in the framework of his mandate as Rapporteur on "Implementation of judgments of the European Court of Human Rights (9th report)";
- Abolition of the Death Penalty (*general rapporteur: Mr Yves Cruchten, Luxembourg, SOC*): at the request and in the absence of the general rapporteur, the Committee agreed to ask the Bureau to be seized for opinion on the report of the Committee on Political Affairs and Democracy on "Evaluation of the partnership for democracy in respect of the Parliament of Jordan" (Rapporteur: Ms Josette Durrieu, France, SOC);
- World Forum for Democracy

"Is Populism a problem?", 8-10 November 2017, Strasbourg: invited members to participate in the ad hoc Committee of the Bureau to attend the World Forum for Democracy and noted the interest expressed by Ms Anne Brasseur (Luxembourg, ALDE), Mr Raphaël Comte (Switzerland, ALDE), Mr Pierre-Alain Fridez (Switzerland, SOC), and Mr Aleksander Pocij (Poland, EPP/CD);
- Motion on "*The state of emergency and its limitations*": decided to take this motion into account in the preparation of the report on "State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights" (Rapporteur: Mr Raphaël Comte, Switzerland, ALDE) and to inform the Bureau accordingly;

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

Plenary Committee:

- 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)

Günter Schirmer, David Milner, Agnieszka Szklanna, Isild Heurtin

Copy to:

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