



SECRETARIAT

AS/Jur (2017) CB 07

16 October 2017

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

### Synopsis of the meeting held in Strasbourg on 9-12 October 2017

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 9-12 October 2017, as regards:

- on Monday 9 October 2017 at 2.00 pm with Mr Bernd Fabritius (Germany, EPP/CD), 1<sup>st</sup> Vice-Chairperson in the Chair,
- **Election of a Committee Chairperson following the resignation of Mr Alain Destexhe from the Belgian delegation:** elected Ms Olena Sotnyk (Ukraine, ALDE) as Committee Chairperson by acclamation;

Then with Ms Olena Sotnyk in the Chair:

- **Azerbaijan's Chairmanship of the Council of Europe: What follow-up on respect for human rights?** (*Rapporteur: Mr Alain Destexhe, Belgium, ALDE*): agreed that the Chairperson would present the report in the Assembly on behalf of the Committee following the resignation of Mr Alain Destexhe from the Belgian delegation;
- **Evaluation of the partnership for democracy in respect of the Parliament of Jordan** (*Rapporteur for opinion: Mr Andrea Rigoni, Italy, ALDE*): considered and approved the Committee's opinion;
- **Draft Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108) and its Explanatory Report** (*Rapporteur: Mr Raphaël Comte, Switzerland, ALDE*): held an exchange of views with Mr Jean-Philippe Walter, Vice-Chair of the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data;
- **Other business:** agreed the following changes in the Sub-committees' membership proposed by the French delegation:
  - **Sub-committee on Human Rights:** Mr François Rochebloine (EPP/CD) and Mr Pierre-Yves Le Borgn' (SOC) to be replaced by Ms Alexandra Louis (NR) and Mr Yves Pozzo di Borgo (EPP/CD) as titular member and substitute respectively;
  - **Sub-committee on Crime Problems and the Fight against Terrorism:** Mr Thierry Mariani to be replaced by Mr André Reichardt (EPP/CD) as titular member with Mr Olivier Becht (ALDE) as his substitute; Mr Yves Pozzo di Borgo (EPP/CD) to be replaced by Mr François Grosdidier (EPP/CD) as titular member with Mr Fabien Gouttefarde (NR) as his substitute;
  - **Sub-committee on the Implementation of Judgments of the European Court of Human Rights:** Mr Sylvain Waserman (ALDE) to become the substitute to Mr Jacques Bigot (SOC);

– **Appointment of rapporteurs:**

**For report:**

**Co-operation with United Nations human rights mechanisms – a challenge for the Council of Europe and its member States:** appointed Mr Frank Schwabe (Germany, SOC) and heard from him a declaration of absence of conflict of interest;

**Extradition requests and the abuse of process:** appointed Mr Aleksander Pocielj (Poland, EPP/CD) and heard from him a declaration of absence of conflict of interest;

• **on Tuesday 10 October 2017 at 2 pm**

– **Appointment of rapporteurs (continued):**

**For report:**

**The implementation of judgments of the European Court of Human Rights (10<sup>th</sup> report):** appointed Mr Evangelos Venizelos (Greece, SOC) and heard from him a declaration of absence of conflict of interest;

**For opinion:**

**Establishment of an European Union mechanism on democracy, the rule of law and fundamental rights (Rapporteur for the Committee on Rules of Procedure, Immunities and Institutional Affairs: Ms Petra De Sutter, Belgium, SOC):** appointed Lord Richard Balfe (United Kingdom, EC) and heard from him a declaration of absence of conflict of interest;

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

**For report:**

How can inappropriate restrictions on NGO activities in Europe be prevented?  
(Re-appointment following the departure from the Assembly of the former Rapporteur, Ms Aleksandra Djurović, Serbia, EPP/CD)

**For opinion:**

**The legal and practical requirements for extra-territorial processing of asylum claims (Rapporteur for the Committee on Migration, Refugees and Displaced Persons: Mr Domagoj Hajduković, Croatia, SOC);**

– Decided to open the hearings on “*The need to shed light on the background of the murder of Boris Nemtsov*” and on “*The case for drafting a European Convention on the profession of lawyer*”, scheduled for later in the week, to the public;

– **Azerbaijan’s Chairmanship of the Council of Europe: What follow-up on respect for human rights?** (Rapporteur: Mr Alain Destexhe, Belgium, ALDE): took position on 11 amendments to the draft resolution;

– **Abolition of the Death Penalty: 15<sup>th</sup> World Day against the Death Penalty** (General Rapporteur: Mr Yves Cruchten, Luxembourg, SOC): considered a memorandum and agreed to declassify it, adopted a declaration and held an exchange of views with Ms Rose Vines, Ministry Against the Death Penalty, USA;

• **on Wednesday 11 October 2017 at 2 pm**

– **Venice Commission’s “Rule of Law Checklist”** (Rapporteur: Mr Philippe Mahoux, Belgium, SOC): took note that no amendments were tabled to the draft resolution;

- ***New threats to the rule of law in Council of Europe member States: selected examples*** (*Rapporteur: Mr Bernd Fabritius, Germany, EPP/CD*): took position on 23 amendments to the draft resolution;
- ***Jurisdictional immunity of international organisations and rights of their staff*** (*Rapporteur: Mr Volker Ullrich, Germany, EPP/CD*): considered a draft report and adopted a draft resolution and a draft recommendation; and agreed to a proposal from the Rapporteur for opinion, Mr Stefan Schennach (Austria, SOC), to request postponement of the debate of this report from the Standing Committee meeting on 24<sup>th</sup> November 2017 until the January 2018 part-session to allow sufficient time for the Committee on Social Affairs, Health and Sustainable Development to adopt its opinion;
- ***The need to shed light on the background of the murder of Boris Nemtsov*** (*Rapporteur: Mr Emanuelis Zingeris, Lithuania, EPP/CD*): held a hearing with the participation of Ms Zhanna Nemtsova, daughter of Boris Nemtsov, journalist, founder of the Boris Nemtsov Foundation for Freedom, Bonn, Germany, Mr Vadim Prokhorov, attorney at law, legal representative of Ms Zhanna Nemtsova, Moscow, Russian Federation and Mr Vladimir Kara-Murza, Chairman of the Boris Nemtsov Foundation for Freedom, Moscow, Russian Federation;
- **on Thursday 12 October 2017 at 8.30 am**
- ***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 Tuesday 10 October 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 Malta, Turkey and the United Kingdom; took note of the Sub-committee's decision to postpone consideration of the Spanish list until the January 2018 part-session;
- ***Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh*** (*Rapporteur: Mr Pieter Omtzigt; Netherlands, EPP/CD*): took position on 12 amendments to the draft resolution;
- ***The case for drafting a European Convention on the profession of lawyer*** (*Rapporteur: Ms Sabien Lahaye-Battheu, Belgium, ALDE*): held an exchange of views with the participation of Mr Laurent Pettiti, Chair of the Council of Bars and Law Societies of Europe (CCBE) Permanent Delegation to the European Court of Human Rights, Suresnes, France, Mr Piers Gardner, member of the CCBE Permanent Delegation to the European Court of Human Rights, London, United Kingdom and Ms Ayse Bingol Demir, Turkish lawyer, Legal Officer, Media Legal Defence Initiative, London, United Kingdom; authorised the Rapporteur to hold a second hearing on the subject at its next meeting, subject to the availability of funds;
- ***CPT – Public statement concerning Belgium***: held an exchange of views concerning the public statement issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on 13 July 2017, with Mr Hendrik Daems, Chairperson of the Belgian delegation to the Parliamentary Assembly and Mr Mark Kelly, 2<sup>nd</sup> Vice-President of the CPT and Head of CPT delegation which carried out the most recent periodic visit to Belgium; decided to come back to this issue in a year;
- ***Other business:***
  - ***World Forum for Democracy (Strasbourg, 8-10 November 2017)*** – took note that any further requests to join the ad hoc Committee of the Bureau attending the Forum should be submitted to the secretariat as soon as possible;
  - ***Sub-committees***: agreed to the requests of the Croatian delegation to replace Mr Robert Podolnjak (NR) by Mr Davor Ivo Stier (NR) as member of the Sub-Committee on Human Right as well as to the request for Mr Davor Ivo Stier to become a member the Sub-committee on Judgments of the European Court of Human Rights;
- ***Participation of members in conferences, meetings, seminars etc:*** heard a report by Mr Philippe Mahoux (Belgium, SOC) on the 112<sup>th</sup> plenary session of the European Commission for Democracy through Law (Venice Commission), 6-7 October 2017;

- **Next meetings:** confirmed its forthcoming meeting on 13 November 2017 in Paris.

*Plenary Committee:*

- Paris, 13 November 2017 (Council of Europe Office)
- Paris, 12 December 2017 (Council of Europe Office)
- Strasbourg, during the Assembly's 1<sup>st</sup> part-session of 2018 (22-26 January 2018)
- Paris, 14 March 2018 (Council of Europe Office) (to be confirmed)
- Strasbourg, during the Assembly's 2<sup>nd</sup> part-session of 2018 (23-27 April 2018)
- Place and date in May 2018 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 2018 (25-29 June 2017)
- Paris, 10 September 2018 (Council of Europe Office) (to be confirmed)
- Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2018 (8-12 October 2018)
- Paris, 12 November 2018 (Council of Europe Office) (to be confirmed)
- Paris, 11 December 2018 (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 10 October 2017 at 3.00 pm, 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 concerning the lists of candidates to the European Committee for the Prevention of Torture (CPT) in respect of Malta, Turkey and United Kingdom, and decided to postpone consideration of the list in respect of Spain until the January 2018 part-session;
- **Next meeting:** confirmed its next meeting on the afternoon of 12 December 2017 (Council of Europe Office, Paris).

Günter Schirmer, David Milner, Agnieszka Szklanna, Isild Heurtin

Copy to:

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