



SECRETARIAT

AS/Jur (2017) CB 09 Rev  
15 December 2017

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

### Synopsis of the meeting held in Paris on 12 December 2017

The Committee on Legal Affairs and Human Rights, meeting in Paris on 12 December 2017, with Ms Olena Sotnyk (Ukraine, ALDE) in the Chair, as regards:

- **Strengthening international regulations against trade in goods used for torture and the death penalty** (*Rapporteur: Mr Vusal Huseynov, Azerbaijan, EPP/CD*): considered a draft report and unanimously adopted a draft recommendation;
- **Appointment of rapporteurs:**
  - **Human rights situation in the occupied regions of Georgia:** appointed Mr Pierre-Alain Fridez (Switzerland, SOC) and heard from him a declaration of absence of conflict of interest;
  - **Protecting human rights during transfers of prisoners:** appointed Mr Emanuel Mallia (Malta, SOC) and heard from him a declaration of absence of conflict of interest;
  - **Out-of-court settlement procedures in criminal justice: advantages and risks:** appointed Mr Boriss Cilevičs (Latvia, SOC) and heard from him a declaration of absence of conflict of interest;
  - **Ensuring greater follow-up of CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments:** appointed Mr Damir Arnaut (Bosnia and Herzegovina, EPP/CD) and heard from him a declaration of absence of conflict of interest;
  - **Withdrawing citizenship as a measure to combat terrorism: a human rights-compatible approach?:** appointed Ms Tineke Strik (Netherlands, SOC) in her absence, subject to her making a declaration of absence of conflict of interest at a future meeting;
  - **The principles and guarantees of advocates:** appointed Mr Georgii Logvynsky (Ukraine, EPP/CD) in his absence, subject to him making a declaration of absence of conflict of interest at a future meeting;
  - **Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?:** appointed Mr Vusal Huseynov, (Azerbaijan, EPP/CD) and heard from him a declaration of absence of conflict of interest;
  - **Ombudsman Institutions in Europe – the need for a set of common standards:** appointed Lord Richard Balfe (United Kingdom, EC) in his absence, subject to him making a declaration of absence of conflict of interest at a future meeting;
  - **The continuing need to restore human rights and the rule of law in the North Caucasus region:** appointed Mr Frank Schwabe (Germany, SOC) and heard from him a declaration of absence of conflict of interest;

- ***New challenges in the fight against organised crime and money laundering – the need to improve international co-operation:*** appointed Mr Mart van de Ven (Netherlands, ALDE) in his absence, subject to him making a declaration of absence of conflict of interest at a future meeting;
- ***Sergei Magnitsky and beyond – fighting impunity by targeted sanctions:*** appointed Lord Donald Anderson (United Kingdom, SOC) and heard from him a declaration of absence of conflict of interest;
- ***Protecting human rights defenders in Council of Europe member States*** (re-appointment following the departure of Mr Yves Pozzo di Borgo (France, EPP/CD) from the Assembly): appointed Mr Egidijus Vareikis (Lithuania, EPP/CD) in his absence, subject to him making a declaration of absence of conflict of interest at a future meeting;
- ***How can inappropriate restrictions to NGO activities in Europe be prevented?*** (*Rapporteur: Mr Yves Cruchten, Luxembourg, SOC*): heard a declaration of absence of conflict of interest from Mr Cruchten following his appointment on 13 November 2017 in his absence; considered an information note; authorised a hearing with the Council of Europe Commissioner for Human Rights, the President of the Conference of INGOs and a representative of Russian civil society during the January 2018 part-session and a fact-finding visit to Turkey (subject to the availability of funds); decided to ask the Venice Commission for an opinion on the compatibility with international standards on human rights and fundamental freedoms of the Romanian Draft Law 140/2017 amending Law 26/2000 on Associations and Foundations; and agreed to request the Bureau for an extension of the reference until 30 September 2018;
- ***The need to shed light on the background of the murder of Boris Nemtsov*** (*Rapporteur: Mr Emanuelis Zingeris, Lithuania, EPP/CD*): resumed its consideration of an introductory memorandum and exchanged views on the presentations made by Ms Zhanna Nemtsova, daughter of Boris Nemtsov; Mr Vadim Prokhorov, legal representative of Ms Zhanna Nemtsova and Mr Vladimir Kara-Murza, Chairman of the Boris Nemtsov Foundation for Freedom, at the hearing held on 11 October 2017; agreed to the request by the Rapporteur to carry out a fact-finding visit to the Russian Federation (subject to the availability of funds), 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 request the Russian authorities to cooperate in the organisation of this visit and to come back to this issue at the next Committee meeting;
- ***Compatibility of Sharia law with the European Convention on Human Rights: can States Parties to the Convention be signatories of the “Cairo Declaration”?*** (*Rapporteur: Mr Antonio Gutiérrez, Spain, SOC*): held a hearing with the participation of Ms Mona Siddiqui, Chair of the independent review into the application of Sharia law in England and Wales, Professor of Islamic and inter-religious studies at the University of Edinburgh, United Kingdom, and agreed to the Rapporteur’s request to ask the Bureau for an extension of the reference until 30 June 2018;
- ***The case for drafting a European Convention on the profession of lawyer*** (*Rapporteur: Ms Sabien Lahaye-Battheu, Belgium, ALDE*): considered a draft report and unanimously adopted a draft recommendation;
- ***Appointment of the general rapporteur for the abolition of the death penalty:*** renewed the mandate of Mr Yves Cruchten (Luxembourg, SOC) for a further year;
- ***Participation of members in conferences, meetings, seminars etc.:*** heard a report by Mr Sergiy Vlasenko (Ukraine, EPP/CD) on the 78<sup>th</sup> plenary meeting of the Intergovernmental Group of States against Corruption (GRECO) held in Strasbourg on 4-8 December 2017 and a report by Mr Philippe Mahoux (Belgium, SOC) on the 113<sup>th</sup> plenary meeting of the European Commission for Democracy through Law (Venice Commission) held in Venice on 8-9 December 2017;

– **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 Rapporteur's request to ask the Bureau for an extension of the reference until 31 July 2018 and 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 request the Russian authorities to cooperate in the organisation of a fact-finding visit to the Russian Federation;
- **Case of Ilgar Mammadov**: following the Committee of Ministers' initiation of infringement proceedings against Azerbaijan due to its continuing refusal to unconditionally release Mr Mammadov following the European Court of Human Rights' 2014 judgment; agreed to invite the Secretary General of the Council of Europe to an exchange of views on the matter with the Committee at its meeting during the January 2018 part-session;
- **Correspondence concerning the situation in Turkey**: agreed to the Chair's proposal to inform the Monitoring Committee and, as appropriate, the European Court of Human Rights and the Chairperson of the Turkish delegation of the fact that she had received numerous letters concerning measures taken under the state of emergency in Turkey ;
- **Ombudsman Institutions in Europe** (*Rapporteur: Lord Richard Balfe, United Kingdom, EC*): in the absence of the Rapporteur, agreed to hold an exchange of views with a representative of the Venice Commission at a forthcoming meeting (subject to the availability of funds);
- **Sub-committees**: agreed to the United-Kingdom's delegation's proposal to appoint Ms Hannah Bardel (NR) as alternate to Mr Virendra Sharma (SOC) on the Sub-Committee on Human Rights;

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

*Plenary Committee:*

- 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)
- 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)

Günter Schirmer, David Milner, Agnieszka Szklanna, Isild Heurtin

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**The Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Paris on 12 December 2017 at 2 pm, with Mr Virendra Sharma (United Kingdom, SOC) in the Chair, as regards:

- **Election of the Council of Europe Commissioner for Human Rights by the Parliamentary Assembly [in camera]**: held interviews with the shortlisted three candidates for the post of Commissioner for Human Rights and agreed to notify its views to the Bureau of the Assembly;
- **Next meeting**: during the January part-session, date t.b.c.

Günter Schirmer, David Milner

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