



SECRETARIAT

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15 October 2018

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

### Synopsis of the meeting held in Strasbourg on 8-11 October 2018

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 8-11 October 2018:

- **on Monday 8 October 2018 at 2.00 pm**, with Ms Thorhildur Sunna Ævarsdóttir (Iceland, SOC) in the Chair, as regards,
  - **National Parliaments as guarantors of human rights in Europe**: took note of the Parliamentary Assembly's recent publication on "[National parliaments as guarantors of human rights in Europe](#)";
  - **Hearings and exchanges of views during the week**: agreed to make the following open to the public: hearing on "*Daphne Caruana Galizia's assassination and the rule of law, in Malta and beyond: ensuring that the whole truth emerges*" (this hearing also to be [webcast](#)); hearing on "*The implementation of judgments of the European Court of Human Rights – 10<sup>th</sup> report*"; hearing on "*Ensuring greater follow-up of CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments*"; exchange of views on "*Abolition of the Death Penalty: 16<sup>th</sup> World Day against the Death Penalty*" and the thematic debate on artificial intelligence;
  - **Restrictions on NGO activities in Council of Europe activities** (*Rapporteur: Ms Olena Sotnyk, Ukraine, ALDE*): agreed to the Rapporteur's proposal to seize the European Commission for Democracy through Law (Venice Commission) for an opinion on the compatibility with international human rights standards of the Hungarian law of 20 July 2018 amending certain tax laws and other related laws, and on the immigration tax;
  - **Daphne Caruana Galizia's assassination and the rule of law, in Malta and beyond: ensuring that the whole truth emerges** (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): held a hearing with the participation of Mr Jonathan Price, Barrister, Doughty Street Chambers, London, United Kingdom, Mr Tony Murphy, Partner, Bhatt Murphy Solicitors, London, United Kingdom and Mr Jules Giraudat, International Co-ordinator, Daphne Project, France; agreed to the Rapporteur's proposal to hold a second hearing at a future meeting with representatives of the Maltese authorities and members of the Caruana Galizia family, subject to the availability of funds; and agreed to the Rapporteur's proposal to request the Venice Commission for an opinion on Malta's constitutional arrangements, the separation of powers and the independence of the judiciary and law enforcement bodies;
- **on Tuesday 9 October 2018 at 8.30 am**, as regards:
  - **The implementation of judgments of the European Court of Human Rights – 10<sup>th</sup> report** (*Rapporteur: Mr Evangelos Venizelos, Greece, SOC*): held a hearing with the participation of Mr Martin Kuijjer, Venice Commission substitute (the Netherlands), Senior Legal Adviser, Ministry of Security and Justice, Professor, VU University Amsterdam, the Netherlands, and Mr George Stafford, Co-Director, European Implementation Network, Strasbourg, France; agreed to the Rapporteur's proposal to hold exchanges of views with heads of national delegations of the Russian Federation, Turkey, Ukraine,

Romania, Italy, Greece, the Republic of Moldova, Bulgaria, Hungary and Azerbaijan in 2019, subject to the availability of funds;

- **Motions for resolution presented on behalf of the Committee on Legal Affairs and Human Rights:** agreed to table two motions for resolutions on behalf of the committee, one on “Fighting corruption. General principles of political responsibility”, another on the “Urgent need to strengthen Financial Intelligence Units – sharper tools needed to improve confiscation of illegal assets”;

- **Appointment of rapporteurs**

**Declaration of interests** – noted that those who had not submitted their 2018 declaration by 30 September 2018 would not be eligible for rapporteurships to be appointed this year;

**General Rapporteur on the situation of human rights defenders:** appointed Mr Raphaël Comte (Switzerland, ALDE) and heard from him a declaration of absence of conflict of interests;

**For opinion:**

**Democracy hacked? How to respond?** (Rapporteur for the Committee on Political Affairs and Democracy: Mr Frithjof Schmidt, Germany, SOC): appointed Mr Emanuelis Zingeris (Lithuania, EPP/CD) and heard from him a declaration of absence of conflict of interests;

**For report:**

**Withdrawing citizenship as a measure to combat terrorism: a human rights-compatible approach?** (Rapporteur: Ms Tineke Strik, the Netherlands, SOC): the Rapporteur having been appointed in absentia made a declaration of absence of conflict of interests;

- **on Wednesday 10 October 2018 at 2pm**, as regards:

- **Follow-up to the debate under urgent procedure on “Ukrainian citizens detained as political prisoners by the Russian Federation”** (Rapporteur: Mr Emanuelis Zingeris, Lithuania, EPP/CD): discussed the follow-up given by the Russian authorities to the Assembly’s resolution and adopted a public statement;

- **Unlimited access to member states, including ‘grey zones’, by Council of Europe and United Nations human rights monitoring bodies** (Rapporteur: Mr Frank Schwabe, Germany, SOC): took position on six amendments to the draft resolution and one to the draft recommendation;

- **Abolition of the Death Penalty: 16<sup>th</sup> World Day against the Death Penalty** (General Rapporteur on the abolition of the death penalty: Mr Yves Cruchten, Luxembourg, SOC): held an exchange of views with Mr Valiantsin Stefanovic, Deputy Chairman of the Human Rights Center Viasna, Minsk, Belarus; adopted a statement by the committee; agreed to declassify the Rapporteur’s revised memorandum on *Abolition of the death penalty in Council of Europe member and observer states, Belarus and countries whose parliaments have co-operation status – situation report*;

- **Sub-Committee on Human Rights:** heard a report by the vice-chairperson of the sub-committee, Ms Azadeh Rojhan Gustafsson (Sweden, SOC), on the meeting held in Strasbourg on Tuesday 9 October 2018 and endorsed the proposal of the sub-committee concerning the list submitted by the delegation of Spain for transmission to the Bureau;

- **Ensuring greater follow-up of CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments** (Rapporteur: Mr Damir Arnaut, Bosnia and Herzegovina, EPP/CD): held a hearing with Mr George Tugushi, CPT expert, former Ombudsman in Georgia, member of the Georgian Parliament, Tbilisi, Georgia, and Ms Barbara Bernath, Secretary General, Association for the Prevention of Torture, Jean-Jacques Gautier Centre, Geneva, Switzerland;

- **on Thursday 11 October 2018 at 2pm**, as regards:

- **Deal-making in criminal proceedings: the need for minimum standards for trial waiver systems** (Rapporteur: Mr Boriss Cilevičs, Latvia, SOC): took position on one amendment to the draft resolution;

- **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*): took position on two amendments and one sub-amendment to the draft resolution;
  - **Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?** (*Rapporteur: Mr Elshad Hasanov, Azerbaijan, FDG*): considered an introductory memorandum and agreed to hold a hearing with three experts at one of the forthcoming committee meetings, subject to the availability of funds;
  - **Improving the protection of whistleblowers all over Europe** (*Rapporteur: Mr Sylvain Waserman France, ALDE*): considered an introductory memorandum and agreed to hold two hearings at forthcoming committee meetings, subject to the availability of funds, and to send a questionnaire to national delegations through the European Centre for Parliamentary Research and Documentation (ECPRD);
  - **Thematic debate on Topical Human Rights issues**: held an exchange of views on artificial intelligence and human rights with Mr Jan Kleijssen Director, Information Society – Action against Crime, Artificial Intelligence Coordinator for the Council of Europe;
  - **Sub-Committee on artificial intelligence and human rights**: discussed a proposal to create a new Sub-Committee on Artificial Intelligence and Human Rights in 2019 to replace the Sub-Committee on Crime Problems and the Fight against Terrorism and agreed to return to this issue at the meeting on 13 December 2018;
  - **Election of the 3<sup>rd</sup> Vice-Chairperson of the committee**: elected Mr Emanuelis Zingeris (Lithuania, EPP/CD);
  - **Replies from the Committee of Ministers to recommendations emanating from the committee**: took note of the replies from the Committee of Ministers ([Doc. 14614](#), [Doc. 14616](#)) to Assembly [Recommendation 2123 \(2018\)](#) on *Strengthening international regulations against trade in goods used for torture and the death penalty* and to [Recommendation 2129 \(2018\)](#) on the *Copenhagen Declaration, appreciation and follow-up*;
  - **Participation of members in conferences, meetings, seminars etc**: took note of summary reports by the following representatives on:
    - 80th plenary meeting of GRECO, 18-22 June 2018: Mr Georgii Logvynskyi, Ukraine, EPP/CD (oral)
    - 56<sup>th</sup> plenary meeting of MONEYVAL, 2-6 July 2018: Mr Titus Corlăţean, Romania, SOC (written)
- and took note of the following reports by the chairperson on:
- OSCE Human Dimension Implementation Meeting: side-event on Ending the torture trade: opportunities for OSCE engagement, Warsaw, Poland, 12 September 2018;
  - Global Alliance for Torture-Free Trade, Ministerial meeting, New York, United States of America 24<sup>th</sup> September 2018;
- **Sub-committees**: agreed to a request from the Turkish delegation to replace Mr Dişli by Mr Ziya Altunyaldiz as full member on the Sub-committee on Human Rights (Mr Mustafa Yeneroğlu remaining as substitute) and for Mr Ziya Altunyaldiz to be the substitute to Mr Mustafa Yeneroğlu on the Sub-Committee on the implementation of judgments of the European Court of Human Rights (again replacing Mr Dişli);
  - **Other business**
    - **Evaluation of the partnership for democracy in respect of the Parliament of Morocco**: decided to request the Bureau for an opinion to the aforementioned report of the Committee on Political Affairs and Democracy (*Rapporteur: Bogdan Klich, Poland, EPP/CD*);
    - **Conference on the Fight against Terrorism, Odessa, Ukraine, 18 October 2018**: authorised the Chair of the Sub-Committee on Crime Problems and the Fight against Terrorism, Mr Georgii Logvynskyi (Ukraine, EPP/CD) to attend the aforementioned conference at no cost to the Parliamentary Assembly;

- ***Shrinking space for civil society and youth organisations: contemporary challenges and solutions?, 7 November 2018, in Strasbourg:*** authorised the General Rapporteur on the situation of Human Rights Defenders, Mr Raphaël Comte (Switzerland, ALDE) to attend the aforementioned consultative meeting, at no cost to the Parliamentary Assembly;
  - ***Annual ticket 2019:*** took note that the Head of the German delegation intended to invite the committee to Berlin, Germany, in November 2019;
- ***Next meetings:*** took note of the forthcoming meetings:

*Plenary Committee:*

- Paris, 13 December 2018 (Council of Europe Office)
- Strasbourg, during the Assembly's 1<sup>st</sup> part-session of 2019 (21-25 January 2019)
- Paris, 4 March 2019 (Council of Europe Office) (to be confirmed)
- Strasbourg, during the Assembly's 2<sup>nd</sup> part-session of 2019 (8-12 April 2019)
- Paris, 21 May 2019 (Council of Europe Office) (to be confirmed)
- Strasbourg, during the Assembly's 3<sup>rd</sup> part-session of 2019 (24-28 June 2019)
- Paris, 9 September 2019 (Council of Europe Office) (to be confirmed)
- Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2019 (30 September - 4 October 2019)
- Place and date in November 2019 to be confirmed, (subject to receipt of a formal invitation, approval by the Bureau and the availability of funds)
- Paris, 10 December 2019 (Council of Europe Office) (to be confirmed).

Günter Schirmer, David Milner, Agnieszka Szklanna, Kelly Sipp

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**The Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on Tuesday 9 October 2018 at 9.45am, with the Vice-Chairperson, Ms Azadeh Rojhan Gustafsson, (Sweden, SOC) in the Chair, as regards:

- ***European Committee for the Prevention of Torture (CPT):*** considered the list of candidates to the CPT in respect of Spain; decided to recommend to the plenary committee that it propose to the Bureau that the list proposed by the Spanish delegation be endorsed;
- ***Next meeting:*** during the January part-session 2019.

Günter Schirmer, David Milner, Agnieszka Szklanna, Kelly Sipp

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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 Thursday 11 October 2018 at 9.15am with Ms Eka Beselia (Georgia, SOC) in the Chair as regards:

- ***The most pertinent cases of non-implementation of judgments of the European Court of Human Rights. The implementation of unilateral declarations and friendly settlements:*** held a hearing with the participation of Ms Paola Tonarelli-Lacore, Head of Division of the Case-Management and Working Methods, Registry of the European Court of Human Rights; Mr Frederik Sundberg, Head of Department a.i. for the Execution of Judgments of the European Court of Human Rights, DG1, Council of Europe and Mr Rupert Skilbeck, Director, Redress, London, United Kingdom;
- ***Next meeting:*** during the January part-session 2019.

Günter Schirmer, Agnieszka Szklanna, Kelly Sipp

Copy to:

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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  
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