



SECRETARIAT

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8 October 2019

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

Revised Synopsis of the meeting held in Strasbourg on 30 September – 3 October 2019

[YELLOW HIGHLIGHTING INDICATES CHANGES SINCE THE LAST ISSUE]

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg from 30 September – 3 October 2019:

- on **Monday 30 September 2019 at 2.00 pm**, with Ms Thorhildur Sunna Ævarsdóttir (Iceland, SOC) in the Chair, as regards,
 - **Hearings and exchanges of views during the week:** agreed to open to the public the discussion on *the Abolition of the Death Penalty: 17th World Day against the Death Penalty* (General Rapporteur: Mr Titus Corlăţean, Romania, SOC) and the hearing on *the situation of human rights defenders in Council of Europe member States* (General Rapporteur: Mr Raphaël Comte, Switzerland, ALDE); and agreed to open to the public the hearing on *eradicating torture in Europe: exchange of views with the CPT on its Annual Report and recent Public Statements*, organised jointly with the Committee on the Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee);
 - **The continuing need to restore human rights and the rule of law in the North Caucasus region** (Rapporteur: Mr Frank Schwabe, Germany, SOC): took note of the Rapporteur's oral report on his visit to Moscow and Grozny (Russian Federation) on 18-20 September 2019; authorised the rapporteur to conduct a further fact-finding visit to the Russian Federation, including the Republics of Ingushetia and Dagestan (subject to the availability of funds); and agreed to request the Bureau to authorise an extension of the reference for this report until 31 March 2020;
 - **Reported cases of political prisoners in Azerbaijan** (Rapporteur: Ms Thorhildur Sunna Ævarsdóttir, Iceland, SOC): took note of the Rapporteur's oral report on her visit to Baku (Azerbaijan) on 5-7 September 2019, and of her intention to present a draft report at the Committee's meeting on 10 December 2019;
 - **Daphne Caruana Galizia's assassination and the rule of law, in Malta and beyond: ensuring that the whole truth emerges** (Rapporteur: Mr Pieter Omtzigt, the Netherlands, EPP/CD): held an exchange of views on follow-up to Assembly [Resolution 2293 \(2019\)](#); took note of and agreed to declassify the Rapporteur's information note concerning the establishment of an independent public inquiry into the murder of Ms Caruana Galizia; adopted [a statement](#) endorsing the Rapporteur's information note; and agreed to return to this item at its next meeting;
 - **Shedding light on the murder of Boris Nemtsov** (Rapporteur: Mr Emanuelis Zingeris, Lithuania, EPP/CD): authorised the Rapporteur to conduct a fact-finding visit to the Russian Federation in the context of his mandate to ensure follow-up to Assembly [Resolution 2297 \(2019\)](#) (subject to the availability of funds);
 - **The crash of Polish Air Force Tu-154M transporting the Polish State delegation, on 10 April 2010 on the Russian Federation's territory** (Rapporteur: Mr Pieter Omtzigt, the Netherlands, EPP/CD): held

an exchange of views on follow-up to Assembly [Resolution 2246 \(2018\)](#) and took note of the reply received from the Polish authorities;

- **on Tuesday 1 October 2019 at 8.30 am**, as regards:
- ***Improving the protection of whistleblowers all over Europe*** (*Rapporteur: Mr Sylvain Waserman, France, ALDE*): took position on 5 amendments to the draft resolution;
- **Appointment of rapporteurs**

For report:

- ***Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe***: appointed Mr Pieter Omtzigt (the Netherlands, EPP/CD) and heard from him a declaration of absence of conflict of interests;
- ***Ensuring accountability for the downing of flight MH17***: appointed Mr Titus Corlăţean (Romania, SOC) in absentia, subject to his making a declaration of absence of conflict of interests at a forthcoming meeting;
- ***The implementation of judgments of the European Court of Human Rights – 10th report***: following the departure of the former Rapporteur, Mr Evangelos Venizelos (Greece, SOC), from the Assembly, appointed Mr Constantinos Efstathiou (Cyprus, SOC) and heard from him a declaration of absence of conflict of interests;
- ***Celebrating the 70th anniversary of the Geneva conventions: the contribution of the Council of Europe to the increasing synergy between International Humanitarian Law and International Human Rights Law***: appointed Lord Richard Balfe (United Kingdom, EC/DA) and heard from him a declaration of absence of conflict of interests;

For opinion:

- ***Countering ill democracies in Europe*** (*Rapporteur for the Committee on Political Affairs and Democracy: Ms Marie-Christine Dalloz, France, EPP/CD*): appointed Mr Vladimir Vardanyan (Armenia, EPP/CD) and heard from him a declaration of absence of conflict of interests;

For information:

- ***Humanitarian and legal assistance to victims of gross violations of human rights and the right to reparations***: took note of the Assembly's reference of this motion for information;
- ***Human rights and climate change***: adopted [a public declaration](#) and, to be tabled on behalf of the Committee, a motion for a resolution;
- ***Abolition of the Death Penalty: 17th World Day against the Death Penalty*** (*General Rapporteur: Mr Titus Corlăţean, Romania, SOC*): adopted a statement to be issued on the 17th World Day against the Death Penalty (10 October 2019);
- ***Should politicians be prosecuted for statements made in the exercise of their mandate?*** (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*): took note of and agreed to declassify the Rapporteur's introductory memorandum; and agreed to hold a hearing with up to three experts at a forthcoming meeting, authorise the Rapporteur to conduct a fact-finding visit to Madrid and Barcelona (Spain) (both subject to the availability of funds), request an opinion of the European Commission for Democracy through Law (Venice Commission) to clarify in which circumstances, if any, the European Convention on Human Rights allows the criminalization of calls by politicians or representatives of civil society for radical constitutional changes by peaceful means - including calls for independence or far-reaching autonomy for parts of the national territory; and send a questionnaire to national parliaments via the European Centre for Parliamentary Research and Documentation (ECPRD);

- ***The protection of freedom of religion or belief in the workplace*** (*Rapporteur: Mr Davor Stier, Croatia, EPP/CD*): held a hearing with the participation of:
 - Ms Katayoun Alidadi, Assistant Professor of Legal Studies, History and Social Sciences Department, Bryant University, Rhode Island, United States (via video-conference);
 - Mr Javier Martinez-Torron, Professor of Law, Complutense University, Madrid, Spain;
 - Ms Nazila Ghanea, Associate Professor in International Human Rights Law, University of Oxford (via video-conference);

With Lord Balfe (United Kingdom, EC/DA), in the Chair

- **on Tuesday 1 October 2019 at 5.30pm**, as regards:
 - ***Judges in Poland and in the Republic of Moldova must remain independent*** (*Rapporteur: Mr Andrea Orlando, Italy, SOC*): took note of the Rapporteur's introductory memorandum; agreed to declassify it, and to hold a hearing with up to three experts at a forthcoming meeting and authorised the Rapporteur to conduct a fact-finding visit to Poland (both subject to the availability of funds);
 - ***World Forum for Democracy*** (*Strasbourg, 6-8 November 2019*): invited members interested in participating in this event to make themselves known to the Secretariat by 1pm on 2 October 2019;
 - ***Legal aspects of “autonomous” vehicles*** (*Rapporteur: Mr Ziya Altunyaliz, Turkey, NR*): took note of the rapporteur's introductory memorandum, and agreed to hold a hearing with up to three experts at a forthcoming meeting and to authorise the Rapporteur to visit an organisation in Europe conducting research into autonomous vehicles (both subject to the availability of funds);

With Ms Thorhildur Sunna Ævarsdóttir (Iceland, SOC) in the Chair

- ***Ombudsman Institutions in Europe – the need for a set of common standards*** (*Rapporteur: Lord Richard Balfe, United Kingdom, EC/DA*): took position on one amendment to the draft resolution and one amendment to the draft recommendation;
- ***Abolition of the Death Penalty: 17th World Day against the Death Penalty*** (*General Rapporteur: Mr Titus Corlăţean, Romania, SOC*): held an exchange of views in advance of the 17th World Day against the Death Penalty (10 October 2019); including with representatives of the Belarusian parliament and civil society, on the prospects for abolition of the death penalty in Belarus;
- ***The situation of human rights defenders in Council of Europe member States*** (*General Rapporteur on the situation of human rights defenders: Mr Raphaël Comte, Switzerland, ALDE*): held a hearing with the participation of:
 - Mr Gerald Staberock, Secretary General, World Organisation Against Torture, Geneva, Switzerland;
 - Ms Emma Sinclair-Webb, senior Turkey researcher, Europe and Central Asia division, Human Rights Watch, Istanbul, Turkey;
 - Ms Elena Jiménez, board member, Omnium Cultural, Barcelona, Spain;
- **on Thursday 3 October 2019 at 8.30am**, as regards:
 - ***Eradicating torture in Europe: exchange of views with the CPT on its Annual Report and on recent Public Statements*** (*jointly with the Committee on the Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee)*): held a hearing with the participation of:
 - Mr Mykola Gnatovskyy, President of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT);
 - Mr Mark Kelly, 1st Vice-president of the CPT;
 - Ms Eva Csörgö, Europe and Central Asia Programme Officer, Association for the Prevention of Torture, Geneva, Switzerland (via video-conference);
 - ***Sub-Committee on Human Rights***: heard a report from the Chairperson of the Sub-Committee on Human Rights regarding the meeting held in Strasbourg on Wednesday 2 October 2019 and endorsed the proposals of the Sub-Committee concerning the order of preference amongst candidates to the

European Committee for the Prevention of Torture (CPT) on the lists presented by the delegations of Albania, Latvia and Portugal, for transmission to the Bureau of the Assembly;

- **Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?** (*Rapporteur: Mr Elshad Huseynov, Azerbaijan, FDG*): considered a draft report presented by the Rapporteur and unanimously adopted a draft resolution and a draft recommendation;
- **Incident in Kosovo¹ involving a Russian UNMIK official:** held an exchange of views and took note of the non-paper sent by the Consulate General of Kosovo in Strasbourg and the information provided orally by Mr Bashkin (Russian Federation, N.I.) concerning the incident that occurred on 28 May 2019;
- **Replies from the Committee of Ministers to recommendations emanating from the committee:** took note of the replies from the Committee of Ministers (respectively [Doc. 14950](#) and [Doc. 14914](#)) to [Recommendation 2146 \(2019\)](#) on *improving follow-up to CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments* and to [Recommendation 2147 \(2019\)](#) on *protecting human rights during transfers of prisoners*;
- **Participation of members in conferences, meetings, seminars etc:** took note of summary reports by the following representative on:
 - 58th plenary meeting of MONEYVAL, 15-19 July 2019: Mr Titus Corlăţean, Romania, SOC (written report);
- **Other business**
 - **Sub-committees:** agreed to a proposal from the Greek delegation to appoint Mr Evripidis Stylianidis (Greece, EPP/EC) as full member and Mr Georgios Katrougkalos (Greece, UEL) as his alternate on the Sub-committee on Human Rights, Mr Evripidis Stylianidis (Greece, EPP/EC) as full member and Ms Liana Kanelli (Greece, UEL) as his alternate on the Sub-committee on Artificial Intelligence and Human Rights, and Mr Dimitrios Kairidis (Greece, EPP/EC) as full member and Mr Georgios Katrougkalos (Greece, UEL) as his alternate on the Sub-Committee on the implementation of judgments of the European Court of Human Rights; and to a proposal from the Belgian delegation to appoint Ms Marie-Christine Marghem (Belgium, ALDE) as full member on the Sub-committee on Human Rights, Mr Georges-Louis Bouchez (Belgium, ALDE) as full member on the Sub-committee on Artificial Intelligence and Human Rights and Ms Marie-Christine Marghem (Belgium, ALDE) as full member on the Sub-committee on the implementation of judgments of the European Court of Human Rights;
 - **International Conference “New Technology and the Law – a Human Rights Perspective”** (4 November 2019, Herzen University, St Petersburg, Russian Federation): authorised the participation of Mr Boriss Cilevičs (Latvia, SOC) in his capacity as Rapporteur on *justice by algorithm – the role of artificial intelligence in policing and criminal justice systems*, at no cost to the Assembly;
 - **OECD Global Parliamentary Network (Paris, 10 October 2019):** noted that Mr Olivier Becht (France, ALDE) indicated his interest to attend to the secretariat;
 - **The situation of human rights defenders in Council of Europe member States:** renewed the mandate of the General Rapporteur, Mr Raphaël Comte (Switzerland, ALDE), for an additional year;
 - **Annual ticket 2019:** took note of practical information concerning the committee’s meeting in Berlin, Germany, on 14 (afternoon) -15 November 2019;
- **Next meetings:** confirmed its meeting on 10 December 2019 and took note of the forthcoming meetings:

¹ All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation’s Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Plenary Committee:

- Berlin, Germany, 14 (afternoon) -15 November 2019 (Bundestag)
- Paris, 10 December 2019 (Council of Europe Office).

Günter Schirmer, David Milner, Agnieszka Szklanna, Kelly Sipp

The Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on Wednesday 2 October 2019 at 2.00pm, with the Chairperson, Ms Azadeh Rojhan Gustafsson (Sweden, SOC), in the Chair, as regards:

- **European Committee for the Prevention of Torture (CPT)**: considered the lists of candidates to the CPT in respect of Albania, Latvia and Portugal; in the absence of any member of the national delegation to present the list, postponed consideration of the lists of candidates to the CPT in respect of Poland and the Slovak Republic to its next meeting; and encouraged the delegations of Bosnia and Herzegovina, Romania and the Russian Federation to present lists of candidates to the CPT at the earliest opportunity;
- **Next meeting**: during the January part-session 2020.

Günter Schirmer, David Milner, 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
Director of Communication
Permanent Representations to the Council of Europe