



SECRETARIAT

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19 November 2019

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

### Synopsis of the meeting held in Berlin, Germany on 14-15 November 2019

The Committee on Legal Affairs and Human Rights, meeting in Berlin on 14 November 2019 at 1.45pm to 15 November at 5.30pm, with Ms Thorhildur Sunna Ævarsdóttir (Iceland, SOC) in the Chair, as regards:

#### **Thursday 14 November 2019 at 1.45pm-5.30pm**

- **Hearings on 15 November 2019:** decided to open the following hearings to the public: “Should politicians be prosecuted for statements made in the exercise of their mandate?” (Rapporteur: Mr Boriss Cilevičs, Latvia, SOC), “Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems” (Rapporteur: Mr Boriss Cilevičs, Latvia, SOC) and “Legal aspects of ‘autonomous’ vehicles” (Rapporteur: Mr Ziya Altuynyaldiz, Turkey, NR);
- **Joint meeting of the Committee on Political Affairs and Democracy and the Committee on Legal Affairs and Human Rights:**
  - **Opening session** (open to the public): held an exchange of views with:  
  
Ambassador Jens Plötner, Political Director of the Federal Ministry of Foreign Affairs, and Dr. Norbert Röttgen, Chairman of the Bundestag Foreign Affairs Committee
  - **Joint hearing on “Democracy Hacked? How to respond?”** (Rapporteur (for the Committee on Political Affairs and Democracy): Mr Frithjof Schmidt, Germany, SOC); (Rapporteur for opinion of the Committee on Legal Affairs and Human Rights, Mr Emanuelis Zingeris, Lithuania, EPP/CD): heard statements by the Rapporteur and Rapporteur for opinion and held a hearing with the participation of:
    - Mr Georg Thiel, President of the German Federal Statistical Office and Federal Election Commissioner
    - Ms Astrid Schumacher, Head of Branch "IT Security Consulting and Security of Classified Material", German Federal Office for Information Security, Bonn
    - Mr Johan Farkas, Malmö University, Chairperson of YECREA (Young Scholars Network)
    - Ms Ulrike Klinger, Assistant Professor, Institute for Media and Communication Studies, Freie Universität, Berlin

#### **Friday 15 November 2019 at 9.30am – 1pm**

- **Election of two Vice-Chairpersons of the Committee:** elected Mr Sylvain Waserman (France, ALDE) as first Vice-Chairperson by acclamation (replacing Ms Olena Sotnyk, Ukraine, ALDE who has left the Assembly) and postponed election of the third Vice-Chairperson to a future meeting;

- **Drug policy and human rights in Europe: a baseline study** (*Rapporteur: Ms Hannah Bardell, United Kingdom, NR*): in the absence of the Rapporteur, considered an information note and agreed to declassify it; considered a draft report and adopted a draft resolution and a draft recommendation;
- **The protection of freedom of religion or belief in the workplace** (*Rapporteur: Mr Davor Stier, Croatia, EPP/CD*): agreed to the request of the Rapporteur, in absentia, to declassify his information note and the appendix containing a summary of the replies to his questionnaire;
- **The implementation of judgments of the European Court of Human Rights – 10<sup>th</sup> report** (*Rapporteur: Mr Constantinos Efstathiou (Cyprus, SOC)*): in the absence of the Rapporteur, considered an information note and agreed to declassify it;
- **How to put confiscated criminal assets to good use?** (*Rapporteur: Mr André Vallini, France, SOC*): considered an introductory memorandum and agreed to authorise the Rapporteur to carry out a fact-finding visit to Italy and to hold a hearing with up to three experts before the Committee (both subject to availability of funds);
- **Appointment of rapporteurs**

**For report:**

- **Urgent need to strengthen Financial Intelligence Units – Sharper tools needed to improve confiscation of illegal assets** (re-appointment following the departure of Mr Mart van de Ven, Netherlands, ALDE, from the Assembly): appointed Ms Thorhildur Sunna Ævarsdóttir (Iceland, SOC) and heard from her a declaration of absence of conflict of interests;
- **The principles and guarantees of advocates** (re-appointment following the departure of Mr Georgii Logvynsky, Ukraine, EPP/CD, from the Assembly): appointed Mr Aleksandr Bashkin (Russian Federation, NR) and heard from him a declaration of absence of conflict of interests;
- **Misuse of the Schengen system by Council of Europe member States as a politically-motivated sanction** (re-appointment following the departure of Ms Olena Sotnyk, Ukraine, ALDE from the Assembly): appointed Ms Irina Rukavishnikova (Russian Federation, NR) and heard from her a declaration of absence of conflict of interests;
- **Restrictions on NGO activities in Council of Europe member States** (re-appointment following the departure of Ms Olena Sotnyk, Ukraine, ALDE, from the Assembly): appointed Lord Donald Anderson (United Kingdom, SOC) and heard from him a declaration of absence of conflict of interests;

**For opinion:**

- **Rights and obligations of NGOs assisting refugees and migrants in Europe** (re-appointment of a Rapporteur for opinion following the departure of Ms Olena Sotnyk, Ukraine, ALDE, from the Assembly; Original title: “Defining guidelines for international NGOs”; Rapporteur Committee on Migration, Refugees and Displaced Persons: Mr Domagoj Hadjduković, Croatia, SOC): appointed Lord Donald Anderson (United Kingdom, SOC) and heard from him a declaration of absence of conflict of interests;

**For possible follow-up:**

- **Emergence of lethal autonomous weapons systems (LAWS) and their necessary apprehension through European human rights law**: decided to postpone this point until the next meeting;
- **Should politicians be prosecuted for statements made in the exercise of their mandate?** (*Rapporteur: Mr Boriss Cilevičs, Latvia, SOC*): held a hearing with the participation of:

Ms Isil Karakas, former Turkish judge at the European Court of Human Rights, Istanbul, Turkey  
 Professor Luis Lopez Guerra, former Spanish judge at the European Court of Human Rights, Madrid, Spain  
 Ms Françoise Tulkens, former Belgian judge and former Vice-President of the European Court of Human Rights, Brussels, Belgium.

**Friday 15 November 2019 at 2.30pm – 5.30pm**

- ***The human being-machine connection: new rights or new threats to fundamental freedoms?*** (Rapporteur: Mr Olivier Becht, France, ALDE): considered an introductory memorandum and authorized the rapporteur to send a questionnaire to national parliaments, hold a hearing with up to three experts at a forthcoming meeting (subject to the availability of funds) and conduct a fact-finding visit to companies and research institutes in California (United States of America) (at no cost to the Assembly but subject to approval by the Bureau);
- ***The continuing need to restore human rights and the rule of law in the North Caucasus region*** (Rapporteur: Mr Frank Schwabe, Germany, SOC): authorised a committee hearing with LGBTI victims of persecution in the Chechen Republic (Russian Federation), including persons appearing anonymously, and authorised the rapporteur to conduct separate, supplementary interviews with anonymous victims;
- ***Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems*** (Rapporteur: Mr Boriss Cilevičs, Latvia, SOC): held a hearing with the participation of:

Dr Michael Veale, Lecturer in Digital Rights & Regulation, University College London, United Kingdom  
Ms Marion Oswald, Vice-Chancellor's Senior Fellow in Law, University of Northumbria, United Kingdom (via video conference)

and authorised the Rapporteur to conduct a fact-finding visit to either the United Kingdom or the Netherlands (subject to the availability of funds);
- ***Legal aspects of "autonomous" vehicles*** (Rapporteur: Mr Ziya Altunyaldiz, Turkey, NR): held a hearing with the participation of:

Ms Theodora Hamsen, Deputy Head of Division "Intelligent Transport Systems, Automated Driving", Department of Digital Society, Federal Ministry of Transport and Digital Infrastructure, Berlin, Germany  
Prof. Sahin Albayrak, Executive director, Distributed Artificial Intelligence Laboratory (DAI-Lab), Berlin, Germany  
Mr Connor Champ, Automated Vehicles/ Public Law Team, Law Commission, London, United Kingdom;
- ***Participation of members in conferences, meetings, seminars etc:*** heard an oral report and took note of the written report by Lord Richard Balfe (United Kingdom, EC/DA) on the meeting of the Council for Democratic Elections (of the Venice Commission), 20 June 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, Netherlands, EPP/CD): took note of the information note on implementation by Malta of Assembly [Resolution 2293 \(2019\)](#), prepared by the Rapporteur, and the written reply to this information note prepared by Mr Emmanuel Mallia (Malta, SOC); agreed to declassify both documents, subject to certain updates to the information note, as announced by the Rapporteur;
- ***Hearings during the next meeting:*** decided to open to the public the following exchanges of views and hearing foreseen for the next meeting on 10 December 2019:
  - an exchange of views on "Abolition of the Death Penalty" (General Rapporteur on the abolition of the death penalty: Mr Titus Corlăţean, Romania, SOC):
  - an exchange of views on "The implementation of judgments of the European Court of Human Rights against Romania" with the head of the Romanian delegation or his representative (Rapporteur: Mr Constantinos Efsthathiou, Cyprus, SOC)
  - a hearing on "Judges in Poland and in the Republic of Moldova must remain independent" (Rapporteur: Mr Andrea Orlando, Italy, SOC)

– **Other business**

- Raoul Wallenberg Prize 2020 – took note that the deadline for submission of candidatures for the Council of Europe Raoul Wallenberg Prize 2020 has been extended to 30 November 2019 and of the information to be found on the following site (<https://www.coe.int/en/web/portal/raoul-wallenberg-prize>):

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

*Plenary Committee:*

- Paris, 10 December 2019 (Council of Europe Office)
- Strasbourg, during the Assembly's 1<sup>st</sup> part-session of 2020 (27-30 January 2020)
- Strasbourg, during the Assembly's 2<sup>nd</sup> part-session of 2020 (20-23 April 2020)
- Strasbourg, during the Assembly's 3<sup>rd</sup> part-session of 2020 (22-25 June 2020)
- Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2020 (12-15 October 2020)

Günter Schirmer, David Milner, Agnieszka Szklanna, Kelly Sipp

cc: Secretary General of the Assembly  
Directors 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