



SECRETARIAT

AS/Jur (2021) CB 08

16 September 2021

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

### Synopsis of the meeting held in a hybrid manner in Strasbourg on 14 September 2021

The Committee on Legal Affairs and Human Rights, meeting in a hybrid manner on 14 September 2021, with Mr Boriss Cilevičs (Latvia, SOC) in the Chair, as regards:

- **Appointment of a representative of the Committee:** nominated Ms Maria-Gabriela Horga (Romania, EPP/CD) for approval by the Bureau as titular representative to the Group of States against Corruption (GRECO) following the departure from the Assembly of the previous titular representative, Ms Marta González (Spain, EPP/CD);
- **Appointment of a rapporteur for opinion:**
  - Call for an inclusive national political process in Belarus (Rapporteur for the Committee on Political Affairs and Democracy: Mr Kimmo Kiljunen, Finland, SOC): took note of the candidacies of Mr André Vallini (France, SOC), Mr Emanuelis Zingeris (Lithuania, EPP/ CD), and Ms Maria Jufereva-Skuratovski (Estonia, ALDE); postponed the appointment of a rapporteur for opinion until the next meeting;<sup>1</sup>
- **Transnational repression as a growing threat to the rule of law and human rights:** considered the motion for a resolution referred by the Bureau for consultation of the committee and decided to reply by advising that the motion be referred to the Committee on Legal Affairs and Human Rights for report;
- **The continuing need to restore human rights and the rule of law in the North Caucasus region** (Rapporteur: Mr Frank Schwabe, Germany, SOC): heard a statement by the Rapporteur and agreed to his proposal to request the Bureau to extend his mandate until 31 March 2022;
- **Fighting and preventing excessive and unjustified use of force by the law enforcement officers** (Rapporteur: Mr Oleksandr Merezhko, Ukraine, SOC): held a hearing with the participation of:  
Mr Nick Glynn, Senior Program Officer, Better Policing, Open Society Initiative for Europe, United Kingdom;  
Mr David Martín Abánades, Local Police Inspector, Spain;
- **Pegasus spyware and secret state surveillance:** held an exchange of views with the participation of:  
Ms Michelle Bachelet, United Nations High Commissioner for Human Rights (pre-recorded statement);  
Mr Laurent Richard, Founder and Executive Director, Forbidden Stories, France;  
Ms Tamar Kaldani, Vice-chairperson, Consultative Committee of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108 +);

<sup>1</sup> For technical reasons, some members were unable to vote, and it was not possible to attain the quorum necessary for election of a rapporteur.

took note that an overwhelming majority of members was in favour of tabling a motion on this issue, as reflected in the discussion and expressed by an indicative vote;<sup>2</sup> took note of the Chairperson's invitation to members to sign the motion for a recommendation entitled "Pegasus and similar spyware and secret state surveillance", and of his intention to inform the Bureau of the Assembly of the outcome of the indicative vote;

- **Ending enforced disappearances on the territory of the Council of Europe** (*Rapporteur: Mr André Gattolin, France, ALDE*): held a hearing with the participation of:

Professor Emmanuel Decaux, President of the René Cassin Foundation, former President of the United Nations Committee on Enforced Disappearances, France;  
Mr Ewoud Plate, Euro-Mediterranean Federation Against Enforced Disappearances (FEMED) secretariat, the Netherlands;

- **Draft Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence** (*Rapporteur: Mr Kamal Jafarov, Azerbaijan, EC/DA*): considered an introductory memorandum and held a hearing with the participation of:

Ms Cristina Schulman, Chair of the Council of Europe Cybercrime Convention Committee (T-CY), Romania;  
Mr Alexander Seger, Executive Secretary, Cybercrime Convention Committee, Council of Europe;  
Ms Katitza Rodriguez, Policy Director for Global Privacy, Electronic Frontier Foundation, USA;

- **Misuse of the Schengen system by Council of Europe member States as a politically-motivated sanction** (*Rapporteur: Ms Irina Rukavishnikova, Russian Federation, NR*): considered a revised introductory memorandum and held a hearing with the participation of:

Ms Evelien Brouwer, Senior Researcher, Amsterdam Centre for Migration and Refugee Law, Vrije Universiteit Amsterdam, the Netherlands;  
Ms Nuala Mole, Founder and Senior Lawyer of the Advice on Individual Rights in Europe (AIRE) Centre, London, United Kingdom;  
Mr Vyacheslav A. Postavnin, Expert on Migration, Head of the Center for Analytical and Practical Research on Migration (the Scientific Center for Eurasian Integration), Russian Federation;

- **World Forum for Democracy (Strasbourg, 8-10 November 2021): Can Democracy Save the Environment?**: proposed Mr Ziya Altunyaliz (Turkey, NR) as a member of the ad hoc committee of the Bureau attending the World Forum on Democracy on 8-10 November 2021 in Strasbourg (COVID situation permitting), and invited other members to notify the secretariat of their interest in becoming a member of this ad hoc committee by 17 September 2021;

- **Participation of members in conferences, meetings, seminars etc.**: heard a report by Mr Constantinos Efstathiou (Cyprus, SOC) on the 127<sup>th</sup> meeting of the European Commission for Democracy through Law (Venice Commission) (2-3 July 2021);

- **Replies from the Committee of Ministers to recommendations emanating from the Committee**: took note of the replies from the Committee of Ministers to the following recommendations, and of the respective rapporteurs' comments thereon:

[Doc. 15341](#), Reply by the Committee of Ministers to [Recommendation 2187 \(2020\)](#): Legal aspects of "autonomous" vehicles, Rapporteur: Mr Ziya Altunyaliz (Turkey, NR);

[Doc. 15342](#), Reply by the Committee of Ministers to [Recommendation 2188 \(2020\)](#): The principles and guarantees of advocates, Rapporteur: Mr Aleksandr Bashkin (Russian Federation, NR);

- **Other business:**

*Sub-committee appointments*: confirmed the following appointments to sub-committees:

Ms Margreet de Boer (the Netherlands, SOC) to become a member of the Sub-Committee on Implementation of judgements of the European Court of Human Rights;

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<sup>2</sup> For technical reasons, some members were unable to vote, and it was not possible to attain the quorum necessary for adoption of this motion by the Committee.

Ms Maria Jufereva-Skuratovski (Estonia, ALDE) to become a member of the Sub-committee on Human Rights;

- **Next meetings:** noted and confirmed the following meeting dates:

*Plenary Committee:*

- during the Assembly's 4<sup>th</sup> part-session of 2021 (27 September – 30 September 2021),
- 5 November 2021,
- 7 December 2021.

Günter Schirmer, David Milner, Agnieszka Szklanna, Lilian Apostol

- cc:
- Secretary General of the Assembly
  - 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