



SECRETARIAT

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8 September 2022

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

### Synopsis of the meeting held in Bern on 5 September 2022<sup>1</sup>

The Committee on Legal Affairs and Human Rights, meeting in Bern on 5 September 2022, with Mr Damien Cottier (Switzerland, ALDE) in the Chair, as regards:

- **Welcoming address:** heard a welcoming address and interventions by the President of the Council of States, Mr Thomas Hefti (Swiss Parliament), and Mr Damien Cottier, Chairperson of the Swiss delegation to the Parliamentary Assembly;
- **Mission report of the ad hoc sub-committee of the Committee on Legal Affairs and Human Rights to the Committee on Legal Affairs and Human Rights on carrying out a fact-finding visit to Ukraine for the purpose of gathering information on possible war crimes and crimes against humanity committed during the war of aggression launched by the Russian Federation against Ukraine:** held an exchange of views and decided to declassify the mission [report](#); agreed to take the mission report into consideration for the future report on “*Legal and human rights aspects of the Russian Federation’s aggression against Ukraine*” (Rapporteur: Mr Damien Cottier, Switzerland, ALDE);
- **Preventing vaccine discrimination** (Rapporteur: Ms Thórhildur Sunna Ævarsdóttir, Iceland, SOC) : considered a draft report and unanimously adopted a draft resolution and a draft recommendation;
- **The impact of the Covid-19 restrictions for civil society space and activities** (Rapporteur: Ms Margreet De Boer, Netherlands, SOC): considered a draft report and unanimously adopted a draft resolution and a draft recommendation;
- **References transmitted to the committee:**
  - **Appointment of Rapporteur for opinion:**

Countering SLAPPs: an imperative for the democratic society ([Doc. 15419](#))  
(the former Rapporteur, Mme Alexandra Louis, France, ALDE resigned as Rapporteur)  
Rapporteur for the Committee on Culture, Science, Education and Media: Mr Stefan Schennach (Austria, SOC): appointed Mr Davor Ivo Stier (Croatia, EPP/CD) and heard from him a declaration of no conflict of interest;
  - **Call for candidates for Rapporteur:** made a call for candidates to notify their interest to the secretariat before the next meeting for the following references:
    - i) The right to freedom of information: ensuring access to historical documents ([Doc. 15523](#))
    - ii) Threats to life and safety of journalists and human rights defenders in Azerbaijan ([Doc. 15521](#))

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<sup>1</sup> A meeting of the Sub-Committee on Human Rights, open to all members of the plenary committee, was held on 6 September 2022 in Bern from 8.30-11am.

- iii) UK reform of its human rights legislation: consequences for domestic and European Human Rights protection (Bureau decision)
- iv) Arbitrary arrest of Russian human rights defender and freedom fighter Vladimir Kara-Murza ([Doc. 15514](#))

- **Motion to be taken into account in report in progress:**

Humanitarian catastrophe created during the Russian army invasion of Ukraine - to be taken into account in the framework of the report on "Legal and human rights aspects of the Russian Federation's aggression against Ukraine" [Doc. 15519](#) : took note that the Rapporteur would integrate the subject matter of aforementioned motion for resolution into the report in progress as proposed by the Bureau;

- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of the following replies:

[Doc. 15528](#), regarding the Assembly's Recommendation 2201 (2021) on "Human rights violations in Belarus require an international investigation"

[Doc. 15490](#), regarding Recommendation 2202 (2021) on "The arrest and detention of Alexei Navalny in January 2021"

[Doc. 15493](#), regarding Recommendation 2195 (2021) on the "Urgent need to strengthen financial intelligence units – Sharper tools needed to improve confiscation of illegal assets"

[Doc. 15489](#), regarding Recommendation 2177 (2020) on "Drug policy and human rights in Europe: a baseline study";

- **Pegasus and similar spyware and secret state surveillance** (*Rapporteur: Mr Pieter Omtzigt, Netherlands, EPP/CD*): held a hearing with the participation of:

Mr Tim Engelhardt, Human rights officer, Office of the United Nations High Commissioner for Human Rights, Geneva, Switzerland

Mr Lars Patrick Berg, Member of the European Parliament, Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware

and agreed to hold a further hearing with victims of spyware at a future meeting, subject to the availability of funds, and that it be open to the public;

- **European Convention on Human Rights and national constitutions** (*Rapporteur: Mr George Katrougalos, Greece, UEL*): held a hearing with the participation of:

Professor Helen Keller, Chair for Public Law, European and Public International Law, University of Zurich, Switzerland

Ms Simona Granata-Menghini, Secretary of the Venice Commission, Council of Europe, Strasbourg, France

- **Intervention by the Swiss Minister for Justice and Police, Federal Councillor Ms Karin Keller-Sutter:** held an exchange of views with the Minister;

- **Transnational repression as a growing threat to the rule of law and human rights** (*Rapporteur: Sir Christopher Chope, United Kingdom, EC/DA*): considered an introductory memorandum and agreed to hold a hearing at a future meeting with experts, subject to the availability of funds;

- **Other business:**

- Information by the Chair about preparations for the future Council of Europe Summit of Heads of State and Government: took note of the proposals to be made on behalf of the committee at the forthcoming meeting of the ad hoc Committee on the 4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe foreseen for 11 September 2022 in Paris;

- European Regional Assembly (AER) of the Parliamentary Assembly of La Francophonie 23 - 26 October 2022, Barcelona, Spain: agreed to the participation of Mr Damien Cottier (Switzerland, ALDE) at this event, subject to the availability of funds;

- **Next meetings:** confirmed the meetings to be held on 14 November 2022 and 12 December 2022 at the Paris office of the Council of Europe:

*Plenary Committee:*

- during the Assembly's 4th part-session of 2022 (10-14 October 2022)
- 14 November 2022
- 12 December 2022

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**The Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Bern, Switzerland on Tuesday 6 September 2022 from 8.30-11am, open to all members of the plenary Committee on Legal Affairs and Human Rights, with Mr Kamal Jafarov (Azerbaijan, EC/DA), Vice-Chairperson in the Chair, as regards:

- ***The impact of the Covid-19 pandemic on prison population in Europe*** (*Rapporteur: Mr Givi Mikanadze, Georgia, SOC*): held a hearing with the participation of:

Professor Marcelo Aebi, School of Criminal Sciences, University of Lausanne, Switzerland  
Professor Hans Wolff, Vice-President of the CPT (Council of Europe, Strasbourg, France), Professor of medicine at the Geneva University and physician in chief at the Geneva University Hospitals, Switzerland  
Ms Triona Lenihan, Policy and International Advocacy Manager, Penal Reform International, London, United Kingdom

- ***Legal and human rights aspects of the Russian Federation's aggression against Ukraine*** (*Rapporteur: Mr Damien Cottier, Switzerland, ALDE*): held a hearing on the establishment of an ad hoc criminal tribunal for the crime of aggression with the participation of:

Mr James Goldston, Executive Director, Open Society Foundations, Justice Initiative, New York, United States of America  
Professor Dapo Akande, Professor of Public International Law, Blavatnik School of Government, University of Oxford (online)

- ***Next meeting:*** the Chair will propose the next meeting date.

Günter Schirmer, Guillem Cano-Palomares, Eleanor Hourigan

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