



SECRETARIAT

AS/Jur (2015) CB 08

10 December 2015

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

### Synopsis of the meeting held in Paris on 8 December 2015

The Committee on Legal Affairs and Human Rights, meeting in Paris on 8 December 2015, with Mr Michael McNamara, 1<sup>st</sup> Vice-Chairperson (Ireland, SOC) in the Chair, as regards:

- **Strengthening the protection and role of human rights defenders in Council of Europe member States** (*Rapporteur: Ms Mailis Reps, Estonia, ALDE*): considered a draft report and adopted a draft resolution and a draft recommendation;
- **How to prevent inappropriate restrictions on NGO activities in Europe** (*Rapporteur: Mr Yves Cruchten, Luxembourg, SOC*): considered a draft report and adopted a draft resolution and a draft recommendation;
- **Request for the creation of a General Rapporteurship on the protection of Human Rights Defenders**: discussed a proposal to create a General Rapporteurship on this subject and decided to return to the matter during the January 2016 Assembly part-session;
- **Appointment of rapporteurs:**
  - The crash of Polish Air Force Tu-154 transporting the Polish delegation on 10 April 2010 on the Russian Federation's territory (for report): re-appointment following the departure of Mr Robert Neill (United Kingdom, EC) from the Assembly: appointed Mr Michael McNamara (Ireland, SOC), who declared no conflict of interest;
  - Towards a democratic approach to the issues of governance in European multinational States (for report): appointed Mr Alain Destexhe (Belgium, ALDE), who declared no conflict of interest;
  - Corruption as governance regime: a barrier to institutional efficiency and progress (for opinion): re-appointment following the departure of Mr Robert Neill (United Kingdom, EC) from the Assembly, (*Rapporteur for the Committee on Political Affairs and Democracy: Mr Michele Nicoletti (Italy, SOC)*): appointed Ms Meritxell Mateu Pi (Andorra, ALDE), who declared no conflict of interest;
  - Technological convergence, artificial intelligence and human rights (for opinion) (*Rapporteur for the Committee on Culture, Science, Education and Media: Mr Jean-Yves Le Déaut (France, SOC)*): appointed Mr Boriss Cilevičs (Latvia, SOC), who declared no conflict of interest;
- **Participation of members in conferences, meetings, seminars etc**: heard reports by the following representatives:
  - Mr Pieter Omtzigt (Netherlands, EPP/CD) concerning his presentation of PACE [Resolution 2045 \(2015\)](#) on "Mass Surveillance" before the European Parliament's LIBE Committee on 28 May 2015 in Brussels;

- Mr Arcadio Díaz Tejera (Spain, SOC) regarding the 104th plenary session of the European Commission for Democracy through Law (Venice Commission), 23-24 October 2015;
- Mr Sergiy Vlasenko (Ukraine, EPP/CD) who attended the 70<sup>th</sup> meeting of GRECO (Group of States against Corruption), 30 November – 4 December 2015;
- **Replies from the Committee of Ministers to recommendations emanating from the Committee:** took note of the replies from the Committee of Ministers on the Assembly's Recommendations 2070 (2015) on "The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond", 2067 (2015) on "Mass surveillance", and 2065 (2015) on "European institutions and human rights in Europe";
- **Other business:**
  - **Judicial Corruption: urgent need to implement the Assembly's proposals:** in order to update the above report adopted in June 2015, decided to prepare an addendum to the report which is scheduled for debate during the Assembly's January 2016 part-session. Agreed to the proposal of Mr Michael McNamara, (Ireland, SOC), 1<sup>st</sup> Vice-Chairperson, that he prepare the addendum, owing to the fact that the Rapporteur, Mr Kimmo Sasi (Finland, EPP/DC), has now left the Assembly;
  - **The implementation of judgments of the European Court of Human Rights (9<sup>th</sup> report):** took note of a statement by the Rapporteur, Mr Pierre-Yves Le Borgn' (France, SOC), who had requested the secretariat to issue a working document on "The Impact of the European Convention on Human Rights in States Parties: selected examples" to be prepared for discussion during the Assembly's January 2016 part-session. The Rapporteur also raised the issue of draft legislation of the Russian Federation's Parliament which would empower the Constitutional Court to determine whether findings by international bodies on protection of human rights and freedoms (including those of the European Court of Human Rights) are to be implemented or not. On the Rapporteur's proposal, the Committee agreed to request an opinion on the matter from the Venice Commission;
  - **Article 52, ECHR:** took note of a joint letter by NGOs, including Amnesty International, Human Rights Watch and the International Commission of Jurists, to the Secretary General of the Council of Europe requesting that the Article 52 ECHR inquiry not be prematurely terminated. The Committee authorised the 1<sup>st</sup> Vice-Chairperson to write a letter to the Secretary General of the Council of Europe asking for an update on this matter prior to the Assembly's April 2016 part-session;
  - **Joint Committee on Human Rights (JCHR) – UK Parliament:** decided to invite representatives of the JCHR for an exchange of views with the Committee during the Assembly's April 2016 part-session;
  - **Annual ticket:** took note of the invitation by the Irish delegation to hold the Committee's May meeting in Dublin in 2016;
  - **Letter from the Chairperson of AS/Soc regarding a declaration on the "Call to public health-oriented drug policy":** invited the 1<sup>st</sup> Vice-Chairman to inform the Chairperson of AS/Soc that the Committee had taken note of his letter and decided not to pursue the matter further;
  - **Work programme:** took note of the Committee's work programme;
  - **Letter from the head of the Georgian delegation:** took note of the letter of the head of the Georgian delegation, Mr Tedo Japaridze, in response to the letter of the Committee's Chairperson Mr James Clappison, of 18 November 2015, concerning recent arrests of some Georgian political activists;

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

*Plenary Committee:*

- Strasbourg, during the Assembly's 1<sup>st</sup> part-session of 2016 (25-29 January 2016)
- Paris, 7 March 2016 (Council of Europe Office)
- Strasbourg, during the Assembly's 2<sup>nd</sup> part-session of 2016 (18- 22 April 2016)
- Dublin (Ireland), May 2016, date tbc (subject to Bureau authorisation)
- Strasbourg, during the Assembly's 3<sup>rd</sup> part-session of 2016 (20-24 June 2016)
- Paris, 7 September 2016, tbc
- Strasbourg, during the Assembly's 4<sup>th</sup> part-session of 2016 (10-14 October 2016)
- Paris, 8 November 2016, tbc
- Paris, 13 December 2016, tbc

Andrew Drzemczewski, Günter Schirmer, Agnieszka Szklanna, Véronique Lerch

cc: Secretary General of the Assembly

Director General, 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