Committee on Legal Affairs and Human Rights

Work of the Committee on Legal Affairs and Human Rights (AS/Jur): an overview

Information document prepared by the Secretariat

The Committee on Legal Affairs and Human Rights promotes the rule of law and defends human rights. It is also responsible for a whole variety of activities that make it, de facto, the Assembly's legal adviser.

The Committee (AS/Jur) comprises 91 members and their alternates. It deals with a wide range of legal and human rights topics, appointing parliamentary rapporteurs mandated to prepare reports based on in situ research, hearings and exchanges of views with experts. This work culminates in resolutions and recommendations of the Parliamentary Assembly (PACE) addressed to member states and other Council of Europe bodies.

The Committee has three sub-committees: on human rights, on crime problems and the fight against terrorism, and on the implementation of judgments of the European Court of Human Rights.

The Committee and its relevant sub-committees participate in the election, by the Assembly, of the Council of Europe Commissioner for Human Rights, as well as in the election, by the Committee of Ministers, of the members of the European Committee for the Prevention of Torture (CPT).

When requested by the Committee of Ministers, the Assembly gives its opinion – usually based on a text prepared by AS/Jur – on draft conventions prior to their final adoption (as, for instance, on the draft Protocols Nos. 15 and 16 to the European Convention on Human Rights).

The Committee sends representatives to meetings of relevant Council of Europe bodies, including the European Commission for Democracy through Law (Venice Commission) and the Group of States against Corruption (GRECO).

For more details, see the Committee’s work programme.

After playing a key role in the Organisation's enlargement after the fall of the Berlin Wall (in particular through its opinions on new applications for Council membership, insisting on legal reforms and a moratorium on executions, followed by the abolition of death penalty), much of the Committee’s more recent and ongoing work has focused on:

- Reinforcing the system of human rights protection in Europe
- Respect for human rights in the fight against terrorism
- Combating impunity, eradicating judicial corruption and upholding the rule of law

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Reinforcing the system of human rights protection in Europe

The Committee strongly supports the European human rights protection system, whose jewel in the crown is the European Convention on Human Rights (the Convention). The application of the Convention in all States Parties is supervised by the European Court of Human Rights (the Court).

The Committee is committed to guaranteeing the long-term effectiveness of the Convention system. It has considered the issue of the effectiveness of the Convention at national level and regularly examines the implementation of judgments of the Court.

- Urgent need to deal with new failures to cooperate with the European Court of Human Rights (12/2013): Doc. 13435, Resolution 1991 (2014) and Recommendation 2043 (2014)


Work in progress: The issue of EU accession to the European Convention on Human Rights and the election of judges in the context of EU accession is on the Committee’s agenda. The Committee also has a brief to present a new 10th report on the implementation of the Strasbourg Court’s judgments. The Committee has recently adopted a report entitled: ‘Compatibility of Sharia law with the European Convention on Human Rights: can States Parties to the Convention be signatories of the “Cairo Declaration”?’.

Respect for human rights in the fight against terrorism

The Committee has always condemned all forms of terrorism. In its reports, the Committee has insisted that terrorism can and must be combated effectively by means that fully respect human rights and the rule of law.


Human rights and the fight against terrorism (10/2011): Doc. 12712 and Resolution 1840 (2011)


Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member States (06/2006): Doc. 10957 + Addendum, Resolution 1507 (2006) and Recommendation 1754 (2006), as well as the timeline of the Council of Europe's investigation

Work in progress: The Committee has recently adopted a report on ‘withdrawing citizenship as a measure to combat terrorism: a human rights-compatible approach?’.

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Combating impunity

Impunity for grave human rights violations has been condemned in a number of reports adopted or being prepared by the Committee.


Fighting organised crime by facilitating the confiscation of illegal assets (04/2018): Doc. 14516 and Resolution 2218 (2018)

Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh (09/2017): Doc. 14402 (2017) and Resolution 2190 (2017)

Legal remedies to human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities (09/2016): Doc. 14139 and Resolution 2133 (2016)

Co-operation with the International Criminal Court: towards a concrete and expanded commitment (09/2016): Doc. 14136 and Resolution 2134 (2016)

Judicial Corruption: urgent need to implement the Assembly’s proposals (06/2016): Doc. 13824, Resolution 2098 (2016) and Recommendation 2087 (2016)


Corruption as a threat to the rule of law (05/2013): Doc. 13228, Resolution 1943 (2013) and Recommendation 2019 (2013)

Keeping political and criminal responsibility separate (04/2013): Doc. 13214 and Resolution 1950 (2013)

The definition of political prisoner (10/2012): Doc. 13011 and Resolution 1900 (2012)


Inhuman treatment of people and illicit trafficking in human organs in Kosovo\(^1\) (01/2011): Doc.12462 and Resolution 1782 (2011)


The obligation of member and observer states of the Council of Europe to co-operate in the prosecution of war crimes (01/2011): Doc. 12454, Resolution 1785 (2011) and Recommendation 1953 (2011)

Allegations of politically-motivated abuses of the criminal justice system in Council of Europe member States(09/2009): Doc. 11993 and Resolution 1685 (2009); see also Threats to the rule of law in Council of Europe member states: asserting the Parliamentary Assembly’s authority (Doc. 13713)


Investigations of crimes allegedly committed by high officials during the Kuchma rule in Ukraine - the Gongadze case as an emblematic example (01/2009): Doc. 11686, Resolution 1645 (2009) and Recommendation 1856 (2009)

Work in progress: The Committee is currently preparing reports inter alia on ‘Sergei Magnitsky and beyond – fighting impunity by targeted sanctions’, ‘The need to shed light on the background of the murder of Boris Nemtsov’, ‘The continuing need to restore human rights and the rule of law in the North Caucasus region’, ‘New challenges in the fight against organised crime and money laundering – the need to improve international co-operation’, ‘Daphne Caruana Galizia’s assassination and the rule of law, in Malta and beyond: ensuring that the whole truth emerges’, ‘Improving the protection of whistleblowers all over Europe’, ‘Urgent need to strengthen Financial Intelligence Units – Sharper tools needed to improve confiscation of illegal assets’, ‘Fighting corruption – General principles of political responsibility’ and ‘Political prisoners in Azerbaijan’.

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Upholding human rights standards and the rule of law

The Committee reiterates in its work the need for member states to respect human rights standards in all fields of action.

The Assembly’s General Rapporteur the abolition of the death penalty and the General Rapporteur on the situation of human rights defenders are nominated by the Committee. Their frequent statements are available on the Committee’s website.


\(^1\) All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Strengthening international regulations against trade in goods used for torture and the death penalty (01/2018): Doc. 14454 and Recommendation 2123 (2018)


The case for drafting a European convention on the profession of lawyer (01/2018): Doc. 14453 and Recommendation 2121 (2018)

New threats to the rule of law in Council of Europe member States: selected examples (09/2017): Doc. 14405 (2017) and Resolution 2188 (2017)


Human rights compatibility of investor-State arbitration in international investment protection agreements (12/2016), Doc. 14225 and Resolution 2151 (2017)

Securing access of detainees to lawyers (12/2016): Doc. 14267 (2017) and Resolution 2154 (2017)

Urgent need to prevent human rights violations during peaceful protests (05/2016): Doc. 14060 and Resolution 2116 (2016)

Administrative detention (06/2016): Doc. 14079 and Resolution 2122 (2016)

Transparency and openness in European institutions (06/2016): Doc. 14075, Resolution 2125 (2016) and Recommendation 2094 (2016)


Threats to the Rule of Law in Council of Europe member states: asserting the Parliamentary Assembly’s authority (12/2014): Doc. 13713 and Resolution 2040 (2015)


Strengthening the institution of ombudsman in Europe (05/2013): Doc. 13236 and Resolution 1959 (2013)

The participation of non-member States in Council of Europe conventions (04/2013): Doc. 13291, Resolution 1961 (2013) and Recommendation 2029 (2013)


The inadmissibility of restrictions on freedom of movement as punishment for political positions (06/2012): Doc. 12943 and Resolution 1894 (2012)

Enforced population transfer as a human rights violation (01/2012): Doc. 12819 and Resolution 1863 (2012)

National sovereignty and statehood in contemporary international law: the need for clarification (10/2011): Doc. 12689 and Resolution 1832 (2011)
