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Committee on Legal Affairs and Human Rights

Work programme¹

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This document indicates forthcoming events relevant to the committee's work programme and is regularly up-dated. It is not restricted to events in which the committee itself necessarily takes part or is represented.

Members are invited to let the Committee Secretariat know of items of particular interest.

Please note that all details are subject to separate confirmation.

¹ See also the [“Work of the Committee on Legal Affairs and Human Rights \(AS/Jur\): an overview”](#)

I. Timetable of meetings and proposed order for the presentation of reports in 2020

January 2021

19 January, Virtual Committee on Legal Affairs and Human Rights

1st part-session 2021

(25-28 January 2021)

The implementation of judgments of the European Court of Human Rights
Judges in Poland and in the Republic of Moldova must remain independent
Restrictions on NGO activities in Council of Europe member States

Priorities for 2021:

- Implementation of the European Convention on Human Rights: shared responsibility
- Reinforcing European human rights standards and upholding the rule of law

II. Work programme

EXPIRY DATES FOR ADOPTION OF REPORTS

Please note the following extract from the Bureau synopsis of 30 April 2020 owing to the COVID 19 situation.

The Bureau

“extended by six months the validity of all current references to committees”

This applies to all reports in the Work Programme where references were transmitted to the committee before 30 April 2020. The deadlines have been aligned to take account of this decision.

A. Reports/Opinions tabled but not yet debated

1. The implementation of judgments of the European Court of Human Rights – 10th report

Rapporteur: Mr Constantinof Efstathiou, Cyprus, SOC (appointed on 01.10.2019) (former rapporteur: Mr Evangelos Venizelos, Greece, SOC (appointed on 10.10.2017))

- Origin: Bureau decision Reference 4313 of 30.05.2017
 - Expiry date for adoption: 30.04.2020 (extension authorised by the Bureau on 12.04.2019. Previous expiry date = 30.05.2019)
 - Presentation to the Assembly foreseen: January 2021 part-session
 - State of work:
- 23.01.2018: the committee considered an introductory memorandum and agreed to the rapporteur’s request to send a letter to national delegations about the state of play of implementation of Resolution 2178 (2017) and to hold two hearings, one with the Council of Europe Commissioner for Human Rights, representatives of the Committee of Ministers and the Registry of the European Court of Human Rights, and one with representatives of the European Commission for Democracy through Law (Venice Commission), and of civil society and an academic expert, subject to the availability of funds.
- 24.04.2018: the committee held a hearing with the participation of Mr Christos Giakoumopoulos, Director General of Human Rights and Rule of Law of the Council of Europe, Mr Abel de Campos, Section Registrar, Registry of the European Court of Human Rights, and Mr Christos Giannopoulos, Doctor of Public Law, Lecturer at the University of Strasbourg, France.
- 09.10.2018: the committee held a hearing with the participation of Mr Martin Kuijer, Venice Commission substitute (the Netherlands), Senior Legal Adviser, Ministry of Security and Justice, Professor, VU University Amsterdam, the Netherlands, and Mr George Stafford, Co-Director, European Implementation Network, Strasbourg, France; agreed to the rapporteur’s proposal to hold exchanges of views with heads of national delegations of a number of countries, subject to the availability of funds.
- 22.01.2019: the committee held a hearing regarding Turkey with the participation of Mr Mustafa Yeneroğlu, member of the Turkish delegation to the Parliamentary Assembly of the Council of Europe and experts from the Turkish Ministry of Justice, and agreed to declassify the information note concerning the implementation of judgments against Turkey and Ukraine.
- 22.01.2019: the committee held a discussion regarding Ukraine in the absence of the head of the Ukrainian delegation to the Parliamentary Assembly of the Council of Europe.
- 09.04.2019: the committee held public exchanges of views with Mr Zsolt Németh, Chairperson of the Hungarian delegation to the Assembly and Mr Alvis Maniero, Chairperson of the Italian delegation to the Assembly and Ms Maria Giuliana Civinini, co-agent for the Italian government at the European Court for Human Rights, and agreed to declassify the information note regarding Hungary and Italy.
- 25.6.2019: the committee agreed to open two hearings foreseen for the autumn part-session 2019 to the public.
- 15.11.2019: in the absence of the Rapporteur, the committee considered an information note and agreed to declassify it.
- 10.12.2019: the committee considered an information note regarding Romania and agreed to declassify it; held a hearing with the participation of Mr Titus Corlăţean, (Romania, SOC); and agreed to the rapporteur’s proposal to hold an exchange of views on the implementation of judgments of the

European Court of Human Rights against the Russian Federation with the head of the Russian delegation to the Assembly at the forthcoming committee meeting.

- 28.01.2020: the committee held a public exchange of views with Mr Petr Tolstói, Chairperson of the delegation of the Russian Federation to the Assembly, and a representative of the Ministry of Justice. It agreed to declassify the information note regarding the Russian Federation and to seize the Venice Commission for an opinion on the draft amendment to the Constitution of the Russian Federation (as proposed by the President of the Russian Federation on 15 January 2020), according to which international agreements and treaties, as well as decisions by international bodies, may apply *only to the extent that they do not entail restrictions on the rights and freedoms of people and citizens, and do not contradict the Constitution*;
- 05.06.2020: the committee considered a draft report and adopted a draft resolution and a draft recommendation;
- 09.11.2020: the committee considered and adopted an amendment to the draft resolution and approved an addendum to the report including the replacement of Appendices No 1 and No 2 to the draft report by the updated appendices contained in the addendum.

2. Urgent need to strengthen Financial Intelligence Units – Sharper tools needed to improve confiscation of illegal assets

Rapporteur: Ms Thorhildur Sunna Ævarsdóttir, Iceland, SOC (appointed on 15.11.2019) (former rapporteur: Mr Mart van de Ven, the Netherlands, ALDE (appointed on 13.12.18))

- Origin: Doc. 14638, Reference 4411 of 23.11.2018
 - Expiry date for adoption: 23.05.2021 (original deadline: 23.11.2020)
 - Presentation to the Assembly foreseen: t.b.c.
 - State of work:
- 29.06.2020: the committee considered an introductory memorandum and agreed to the rapporteur's request to hold a hearing with up to three experts, subject to the availability of funds.
- 09.09.2020: the committee held a hearing with the participation of: Ms Elżbieta Franków-Jaśkiewicz, Chair of Moneyval, Head of the International Cooperation Unit of the Financial Intelligence Unit (FIU) of Poland – General Inspector of Financial Information (GIFI)
Mr Arakel Meliksetyan, member of Moneyval, Head of Financial Monitoring Centre (FMC), Armenia
Ms Ilze Znotina member of Moneyval, Head of Office for Prevention of Laundering of Proceeds Derived from Criminal Activity, Latvia;
- 09.11.2020: the committee considered a draft report and unanimously adopted a draft resolution and a draft recommendation.

3. Judges in Poland and in the Republic of Moldova must remain independent

Rapporteur: Mr Andrea Orlando, Italy, SOC (appointed on 04.03.2019)

- Origin: Doc. 14650, Reference 4416 of 21.01.2019
 - Expiry date for adoption: 21.07.2021 (original deadline 21.01.2021)
 - Presentation to the Assembly foreseen: January 2021 part-session
 - State of work:
- 01.10.2019: the committee took note of the Rapporteur's introductory memorandum. It agreed to declassify it, and to hold a hearing with up to three experts at a forthcoming meeting and authorised the Rapporteur to conduct a fact-finding visit to Poland (both subject to the availability of funds)
- 10.12.2019: the committee held a public hearing with the participation of:
- Mr Massimo Frigo, Senior Legal Adviser, International Commission of Jurists, Geneva, Switzerland (by video conference),
 - Ms Andrea Huber, Deputy Chief, Rule of Law Unit, OSCE Office for Democratic Institutions and Human Rights, Warsaw, Poland,
 - Mr Richard Barrett, member of the European Commission for Democracy through Law (Venice Commission) for Ireland.
- 17-18.02.2020: a fact-finding visit to Warsaw (Poland) was scheduled for these dates but had to be cancelled.
- 09.11.2020: the committee held an exchange of views with the participation of:
Mr Jędrzej Kondek, member of the National Council of the Judiciary, Poland,
Mr Dariusz Mazur, judge at the Regional Court in Cracow, 3rd Penal Section, spokesman for the Judges' Association Themis, Poland,

Mrs Anna Dalkowska, Deputy Minister of Justice, Poland,
Mr Radu Foltea, State Secretary in the Ministry of Justice, Republic of Moldova.

08.12.2020: the committee considered a draft report and adopted a draft resolution. It noted the intention of Mr Arkadiusz Mularczyk (Poland, EC/DA) to table a dissenting opinion;

4. Restrictions on NGO activities in Council of Europe member States

Rapporteur: Ms Alexandra Louis, France, ALDE (appointed on 29.06.2020) (Former rapporteurs: Lord Donald Anderson, United Kingdom, SOC, appointed on 15.10.2019, and Ms Olena Sotnyk, Ukraine, ALDE, appointed on 10.09.2018)

- Origin: Bureau decision Reference 4394 of 29.06.2018
- Expiry date for adoption: 29.12.2020 (original deadline: 29.06.2020)
- Presentation to the Assembly foreseen: January session 2021.
- State of work:

08.10.2018: the committee agreed to the rapporteur's proposal to seize the European Commission for Democracy through Law (Venice Commission) for an opinion on the compatibility with international human rights standards of the Hungarian law of 20 July 2018 amending certain tax laws and other related laws, and on the immigration tax.

13.12.2018: the committee considered an introductory memorandum and authorised the rapporteur to hold two hearings with experts, subject to the availability of funds.

04.03.2019: the committee held a hearing with the participation of: Ms Krista Oinonen, Chairperson of the Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) (Council of Europe), Director, Unit for Human Rights Courts and Conventions, and Agent of the Government of Finland before the European Court of Human Rights, Legal Service, Ministry for Foreign Affairs of Finland; Ms Anna Rurka, President of the Conference of the INGOs of the Council of Europe; Ms Eszter Hartay, Legal Advisor at ECNL (European Center for Not-for-Profit Law); and agreed to the Rapporteur's request to conduct a fact-finding visit to Hungary, subject to the availability of funds.

14.10.2020: the committee agreed to hold a hearing at a future meeting with up to 3 experts.

09.11.2020: the committee considered an information note and held a hearing with the participation of:

- Mr Jeremy McBride, barrister, President of the Expert Council on NGO law, INGO Conference,
- Ms Waltraud Heller, Programme Officer - Civil Society, Institutional Cooperation & Networks, European Union Agency for Fundamental Rights, Austria, Mr Martin Kuijer, member of the Venice Commission for the Netherlands.

08.12.2020: the committee considered a draft report and adopted a draft resolution and a draft recommendation. It agreed to the Rapporteur's proposal to seize the European Commission for Democracy through Law (Venice Commission) for an opinion on the compatibility with international human rights standards of a series of bills introduced to the Russian State Duma between 10 and 23 November 2020 to amend laws affecting so-called "foreign agents".

B. Reports under preparation

i. Human rights

5. The continuing need to restore human rights and the rule of law in the North Caucasus region

Rapporteur: Mr Frank Schwabe, Germany, SOC (appointed on 12.12.2017)

- Origin: Doc. 14382 Reference 4333 of 13.10.2017
- Expiry date for adoption: 31.03.2021 (original deadline: 13.10.2019 extended to 31.03.2020)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

14.03.2018: in the absence of the rapporteur, the committee agreed to postpone consideration of his introductory memorandum to the April 2018 part-session and authorised the rapporteur's request for a fact-finding visit to the Russian Federation, including the North Caucasus region, subject to the availability of funds.

24.04.2018: in anticipation of the joint hearing in the afternoon of 24 April 2018 with the Committee on Equality and Non-Discrimination on "*Alleged extreme discrimination and crimes against LGBTI people in*

- the Chechen Republic (Russian Federation)*”, the committee agreed to share the rapporteur’s introductory memorandum with members of the Committee on Equality and Non-Discrimination.
- 24.04.2018: the committee held a joint hearing with the Committee on Equality and Non-Discrimination with the participation of Mr Igor Kochetkov, Chairperson of the Russian LGBT Network, Saint Petersburg, and Ms Tanya Lokshina, Russia Programme Director, Human Rights Watch, Moscow, Russian Federation, in the framework of the preparation of this report and that of the Committee on Equality and Non-Discrimination on “*Alleged extreme discrimination and crimes against LGBTI people in the Chechen Republic (Russian Federation)*” (Rapporteur: Mr Piet de Bruyn, Belgium, NR).
- 26.04.2018: the committee considered an introductory memorandum.
- 10.09.2018: the committee held a hearing with the participation of Mr Grigory Shvedov, editor-in-chief, *Caucasian Knot*, and Ms Ekaterina Sokirianskaia, Founder and Director of the Conflict Analysis and Prevention Centre, Istanbul, Turkey.
- 25.06.2019: the committee held a hearing with the participation of: Ms Joanna Evans, Barrister, Legal Director, European Human Rights Advocacy Centre (EHRAC) School of Law, Middlesex University, United Kingdom; Dr Rebecca Gowland, Associate Professor (Reader) in Human Bioarchaeology, Department of Archaeology, Durham University, United Kingdom; Mr Tim Thompson, Professor of Applied Biological Anthropology and Associate Dean (Learning & Teaching) School of Science, Engineering & Design, Teesside University, United Kingdom; Mr Fredrik Sundberg, Head of Department Ad Interim, Department for the execution of judgments of the European Court of Human Rights, Directorate General 1 – Human Rights and Rule of Law, Council of Europe.
- 18-20.09.2019: the Rapporteur carried out a fact-finding mission to Moscow and Grozny (Russian Federation)
- 30.09.2019: the committee took note of the Rapporteur’s oral report on his visit to Moscow and Grozny (Russian Federation) on 18-20 September 2019. It authorised the rapporteur to conduct a further fact-finding visit to the Russian Federation, including the Republics of Ingushetia and Dagestan (subject to the availability of funds) and agreed to request the Bureau to authorise an extension of the reference for this report until 31 March 2020.
- 15.11.2019: the committee authorised a committee hearing with 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.
- 28.01.2020: the committee held a hearing with the participation of:
- Ms Neamat Abumuslimova, witness
 - Mr Amin Dzhabrailov, witness (by video conference)
 - Mr Ibragim Yangulbayev, witness
 - Mr Oleg Orlov, head of Human Rights Center Memorial’s program “Hot spots”, Moscow, Russian Federation
- and agreed to request the Bureau to authorise the extension of the reference until 30 September 2020 to allow for the second visit to the region, previously postponed at the request of the Russian delegation.

6. Celebrating the 70th anniversary of the Geneva conventions: the contribution of the Council of Europe to the increasing synergy between International Humanitarian Law and International Human Rights Law

Rapporteur: Lord Balfe, United Kingdom, NR (appointed on 01.10.2019)

- Origin: Doc. 14925, Reference 4464 of 30.09.2019
- Expiry date for adoption: 30.03.2022 (original deadline 30.09.2021)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

- 08.12.2020: the committee considered an introductory memorandum and agreed to the Rapporteur’s request to hold a hearing with experts at a future meeting (subject to the availability of funds)

7. Human rights violations in Belarus require an international investigation

Rapporteur: Ms Alexandra Louis, France, ALDE (appointed on 14.10.2020)

- Origin: Doc. 15135, Reference 4529 of 15.09.2020
- Expiry date for adoption: 15.09.2022
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

09.11.2020: the committee considered an introductory memorandum and authorised the Rapporteur to organise a hearing with invited experts at the next meeting (and to open the said hearing to the public, subject to the agreement of the speakers), to contact representatives of the authorities and of civil society and to send a questionnaire to national parliaments via the European Centre for Parliamentary Research and Documentation (ECPRD) on universal jurisdiction.

08.12.2020: the committee agreed to the Rapporteur's proposal to seize the Venice Commission for opinion on the compatibility with European standards of the use of certain legal provisions to criminalise the opposition. It also held a hearing with the participation of:

- Professor Wolfgang Benedek (Austria), special rapporteur, OSCE Moscow Mechanism
- Mr Valentin Stefanovich, Board Member, Human Rights Centre *Viasna*
- Ms Sviatlana Tsikhanouskaya, Leader of Democratic Belarus
- Mr Aleh Hulak, Chairman of the Belarusian Helsinki Committee, Minsk, Belarus

ii. Reinforcement of the Rule of Law

8. Fighting corruption – General principles of political responsibility

Rapporteur: Mr Sergiy Vlasenko, Ukraine, EPP/CD (re-appointed on 30.01.2020, previously appointed on 13.12.18; Ukrainian delegation was absent from the Assembly between end of June and January 2020)

- Origin: Doc. 14639, Reference 4412 of 23.11.2018
- Expiry date for adoption: 23.05.2021 (original deadline 23.11.2020)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

29.06.2020: the committee considered an introductory memorandum and agreed, subject to the availability of funds, to the rapporteur's requests to hold a hearing with representatives of GRECO, MONEYVAL, the World Bank, Transparency International and the International Consortium of Investigative Journalists (ICIJ) and to carry out a fact-finding visit to Iceland.

9. Ending enforced disappearances on the territory of the Council of Europe

Rapporteur: Mr André Gattolin, France, NR (appointed on 29.05.2019)

- Origin: Doc. 14816, Reference 4437 of 12.04.2019
- Expiry date for adoption: 12.10.2021 (original deadline: 12.04.2021)
- Presentation to the Assembly foreseen: first part-session 2021 (t.b.c).
- State of work:

10.12.2019: the committee considered an introductory memorandum and authorised the rapporteur to carry out a fact-finding visit to the United Nations Office of the High Commissioner for Human Rights in Geneva (Switzerland) and to organise a hearing at a future meeting with up to three experts (both subject to the availability of funds).

10. How to put confiscated criminal assets to good use?

Rapporteur: Mr André Vallini, France, SOC (appointed on 29.05.2019)

- Origin: Doc. 14841, Reference 4443 of 12.04.2019
- Expiry date for adoption: 12.10.2021 (original deadline: 12.04.2021)
- Presentation to the Assembly foreseen: first part-session 2021 (t.b.c.)
- State of work:

15.11.2019: the committee 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).

11. Addressing issues of criminal and civil liability in the context of climate change

Rapporteur: Mr Ziya Altunyaldiz, Turkey, NR (appointed on 09.11.2020)

- Origin: Bureau decision, Reference 4530 of 15.09.2020
- Expiry date for adoption: 15.09.2022
- Presentation to the Assembly foreseen: April 2021 part-session (planned “environment day”) t.b.c.
- State of work:

08.12.2020: the committee considered an introductory memorandum. It agreed to the Rapporteur’s requests to hold a hearing with up to three experts at a future meeting (subject to the availability of funds) and to send a questionnaire to national parliaments via the European Centre for Parliamentary Research and Documentation (ECPRD). It also agreed to open the forthcoming hearing foreseen for the next meeting to the public, provided that the invited experts do not object.

12. Poisoning of Alexei Navalny

Rapporteur: Mr Jacques Maire, France, ALDE (appointed on 14.10.2020)

- Origin: Doc. 15155, Reference 4539 of 12.10.2020
- Expiry date for adoption: 12.10.2022
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

08.12.2020: the committee considered an introductory memorandum. It agreed to the Rapporteur’s proposals to conduct a fact-finding visit to Germany, to organize a hearing with experts (open to the public, provided that the invited experts do not object) at a future meeting (both subject to the availability of funds), and to receive information from sources on condition of anonymity.

17-18.12.2020: the Rapporteur carried out a fact-finding visit to Berlin (Germany).

13. Fighting and preventing excessive and unjustified use of force by the law enforcement officers

Rapporteur: Mr Oleksandr Merezhko, Ukraine, SOC (appointed on 14.10.2020)

- Origin: Doc. 15137, Reference 4534 of 12.10.2020
- Expiry date for adoption: 12.10.2022
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

iii. Other matters

14. Misuse of the Schengen system by Council of Europe member States as a politically-motivated sanction

Rapporteur: Ms Irina Rukavishnikova, Russian Federation, NR, (appointed on 15.11.2019) (former rapporteur: Ms Olena Sotnyk, Ukraine, ALDE (appointed on 04.03.2019))

- Origin: Doc. 14652, Reference 4417 of 21.01.2019
- Expiry date for adoption: 21.07.2021 (original deadline: 21.01.2021)
- Presentation to the Assembly foreseen: Standing Committee, March 2021 (t.b.c.)

- State of work:

25.03.2020: by a written consultation procedure on the Rapporteur's introductory memorandum, the Rapporteur's requests to organise a hearing at a forthcoming meeting with up to three experts, to carry out a fact-finding visit to Brussels and to send a questionnaire via the ECPRD to Council of Europe member States taking part in SIS II were agreed.

05.06.2020: the committee considered a revised introductory memorandum and approved a revised draft questionnaire to be sent to national delegations through the European Centre for Parliamentary Research and Documentation (ECPRD). It noted that the rapporteur's request for the authorisation of a hearing with up to three experts and of a fact-finding visit to Brussels has been approved in the written consultation procedure, both subject to the availability of funds.

15. Should politicians be prosecuted for statements made in the exercise of their mandate?

Rapporteur: Mr Boriss Cilevičs, Latvia, SOC (appointed on 08.04.2019)

- Origin: Doc. 14802, Reference 4428 of 01.03.2019

- **Expiry date for adoption:** 01.09.2021 (original deadline: 01.03.2021)

- Presentation to the Assembly foreseen: t.b.c.

- State of work:

01.10.2019: the committee took note of and agreed to declassify the Rapporteur's introductory memorandum; and agreed to hold a hearing with up to three experts at a forthcoming meeting. It agreed to authorise the Rapporteur to conduct a fact-finding visit to Madrid and Barcelona (Spain) (both subject to the availability of funds), to request an opinion of the European Commission for Democracy through Law (Venice Commission) to clarify in which circumstances, if any, the European Convention on Human Rights allows the criminalization of calls by politicians or representatives of civil society for radical constitutional changes by peaceful means - including calls for independence or far-reaching autonomy for parts of the national territory. It also agreed to send a questionnaire to national parliaments via the European Centre for Parliamentary Research and Documentation (ECPRD).

15.11.2019: the committee 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.

3-7.02.2020: a fact-finding visit was carried out by the Rapporteur to Madrid and Barcelona (Spain).

14.04.- 05.05 2020: written consultation of the Turkish authorities on the basis of an extract from the draft report concerning Turkey.

29.06.2020: the committee heard a statement by the Rapporteur following his fact-finding visit to Spain from 3-6 February 2020, and held an exchange of views with Dr Kerem Altiparmak, Legal Programme Consultant, recipient of the Franco-German Prize for Human Rights & the Rule of Law in 2017.

16. Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe

Rapporteur: Mr Pieter Omtzigt, the Netherlands, EPP/CD (01.10.2019)

- Origin: Doc. 14878, Reference 4452 of 24.06.2019

- **Expiry date for adoption:** 24.12.2021 (original deadline 24.06.2021)

- Presentation to the Assembly foreseen: t.b.c.

- State of work:

10.12.2019: the committee heard a statement by the Rapporteur and authorised him to organise a hearing with the Council of Europe Commissioner for Human Rights and another expert at a forthcoming committee meeting, subject to the availability of funds, and to send a questionnaire to national parliaments via the European Centre for Parliamentary Research and Documentation (ECPRD).

30.01.2020: the committee agreed to make a forthcoming hearing on the subject open to the public.

09.11.2020: the committee held a hearing with the participation of:

- Mr Sinan Can, Investigative journalist/ documentary director, Dutch public television BNNVARA, the Netherlands,

- Dr. Lars Otte, Senior public prosecutor, Office of the Federal Prosecutor General at the Federal Court of Justice, Germany.

08.12.2020: The committee agreed to open the forthcoming hearing foreseen for the next meeting to the public, provided that the invited experts do not object.

17. Ensuring accountability for the downing of flight MH 17

Rapporteur: Mr Titus Corlăţean, Romania, SOC (appointed on 01.10.2019)

- Origin: Doc. 14929, Reference 4460 of 28.06.2019
- Expiry date for adoption: 28.12.2021 (original deadline: 28.06.2021)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

10.12.2019: the committee heard a declaration from the Rapporteur of absence of conflict of interests and heard a statement on his understanding of his mandate.

28.01.2020: the committee considered an introductory memorandum and agreed to declassify it. It authorised the rapporteur to put written questions to the Russian Federation and the United States of America, and to carry out fact-finding visits to the Netherlands and to Ukraine.

18. Legal aspects of the accession of the European Union to the European Convention on Human Rights

Rapporteur: Mr Titus Corlăţean, Romania, SOC (appointed on 29.06.2020)

- Origin: Doc. 15014, Reference 4488 of 27.01.2020
- Expiry date for adoption: 27.07.2022 (original deadline: 27.01.2022)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

19. Emergence of lethal autonomous weapons systems (LAWS) and their necessary apprehension through European human rights law

Rapporteur: Mr Fabien Gouttefarde, France, ALDE (appointed on 29.06.2020)

- Origin: Doc. 14945, Reference 4479 of 27.01.2020
- Expiry date for adoption: 27.07.2022 (original deadline: 27.01.2022)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

20. Political prisoners in the Russian Federation

Rapporteur: Ms Thorhildur Sunna Ævarsdóttir, Iceland, SOC (appointed on 29.06.2020)

- Origin: Doc. 15049, Reference 4501 of 06.03.2020
- Expiry date for adoption: 06.09.2022 (original deadline: 06.03.2022)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

14.10.2020: the committee considered an introductory memorandum and agreed to hold a hearing with up to 4 experts including a representative of the Russian authorities during a forthcoming meeting.

09.11.2020: the committee agreed to open the hearing foreseen for 8 December 2020 to the public, subject to the agreement of the speakers.

08.12.2020 the committee held a hearing with the participation of:

- Ms Karinna Moskalenko, Director, International Protection Centre, Moscow, Russian Federation
- Mr Sergey Davidis, head of the programme "Support of Political Prisoners", Memorial Human Rights Centre, Moscow, Russian Federation
- Mr Tony Brace, Chair, Religious Freedom Subcommittee, The European Association of Jehovah's Witnesses, Chelmsford, UK

C. Reports on which the Committee is seized for opinion

Committee on Political Affairs and Democracy:

1. Accession of Belarus to the Council of Europe

Rapporteur for opinion: to be appointed
Rapporteur: to be appointed

- Origin: Request for an opinion from the Committee of Ministers, Doc 6814, Reference 1864 of 10.05.1993
- Expiry date for adoption:
- Presentation to the Assembly foreseen: t.b.c.
- State of work:
17.12.1998: Bureau decided to freeze the membership procedure.
30.01.2004: Bureau rejected granting special guest status to the Parliament of Belarus.

2. Reshaping the foundations of multilateralism (t.b.c. /pending)

Rapporteur for opinion: to be appointed
Rapporteur: to be appointed

- Origin: Doc. 14588, Reference 4397 of 08.10.2018
- Expiry date for adoption: 08.04.2021 (original deadline: 08.10.2020)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

3. Fostering healthy democracies in Europe

Rapporteur for opinion: Mr Vladimir Vardanyan, Armenia, EPP/CD (appointed on 01.10.2019)
Rapporteur: Ms Marie-Christine Dalloz France, EPP/CD (appointed on 25.06.2019)

- Origin: Doc. 14823, Reference 4441 of 12.04.2019
- Expiry date for adoption: 12.10.2021 (original deadline: 12.04.2021)
- Presentation to the Assembly foreseen: t.b.c.
- State of work:

Committee on Migration, Refugees and Displaced Persons

Committee on Social Affairs, Health and Sustainable Development

4. Climate change and the rule of law: baseline study

Rapporteur for opinion: Mr Norbert Kleinwächter, Germany, NR, (appointed on 30.01.2020)
Rapporteur: Ms Edite Estrela, Portugal, SOC (appointed 03.12.2019)

- Origin: Doc 14972 Reference 4475 of 29.11.2019
- Expiry date for adoption: 29.05.2022 (original deadline: 29.11.2021)
- Presentation to the Assembly foreseen: April 2021 part-session (planned “environment day”).
- State of work:

III. General Rapporteurships

1. **General Rapporteur on the abolition of the death penalty:** Mr Vladimir Vardanyan (Armenia, EPP/CD) (appointed on 08.12.2020, mandate effective from 14.12.2020)

- **Term of office:** one year renewable, subject to a maximum of two years.

The general rapporteur on abolition of the death penalty is mandated to intervene in matters relating to the abolition of the death penalty in different contexts (member and observer states, partners for democracy, states applying for such a status). He or she shall report periodically to the committee on the information collected and the action taken.

Responsibilities:

The role of the general rapporteur is to:

- follow activities and maintain working relations with different Council of Europe bodies dealing with issues relating to the abolition of the death penalty (including the Committee of Ministers, the Commissioner for Human Rights, the Committee for the Prevention of Torture and relevant departments of the Council of Europe Secretariat);
- follow activities and maintain working relations with Council of Europe observer states, partners for democracy and other states applying for such status, seeking advice as necessary from international organisations working in the field;
- represent the Committee on behalf of the Assembly when relevant and appropriate;
- in appropriate cases make statements and launch appeals on behalf of the Committee;
- follow up previous resolutions and recommendations of the Assembly on death penalty issues, including [Resolution 1807](#) (2011) on “The death penalty in Council of Europe member and observer states: a violation of human rights”, [Resolution 1560](#) (2007) on “Promotion by Council of Europe member states of an international moratorium on the death penalty”, [Recommendation 1760](#) (2006) on “Position of the Parliamentary Assembly as regards the Council of Europe member and observer states which have not abolished the death penalty”; [Recommendation 1627](#) (2003) and [Resolution 1349](#) (2003) on “Abolition of the death penalty in Council of Europe observer states”, and continue to promote the Assembly’s decisions which appear in these texts.

Activities to date:

14.10.2020: the committee considered a revised information note and agreed to declassify it.

2. **General Rapporteur on the situation of human rights defenders:** Ms Alexandra Louis (France, ALDE) (appointed on 30.01.2020) following the departure of Mr Raphaël Comte, Switzerland, ALDE from the Assembly. (appointed on 09.10.2018).

- **Term of office:** one year renewable

The general rapporteur on the situation of human rights defenders is mandated to intervene in matters relating to cases of intimidation of, and reprisals against, human rights defenders as well as of serious impediments to their work in Council of Europe member States (such as, for example, killings, attacks on their physical and psychological integrity, arbitrary arrests, judicial and administrative harassment, public defamation or restrictions to freedom of movement). A ‘human rights defender’ is a person or a group of persons (non-governmental organisation/entity) who, individually or together with others, acts peacefully to promote and protect human rights. This term may refer to lawyers, journalists, NGO activists or other individuals and groups (see, in this connection, the 1999 UN [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)).

The general rapporteur shall report periodically, at least annually, to the committee on information collected and any action taken.

Responsibilities:

The role of the general rapporteur is to:

- follow activities and maintain working relations, when need arises, with different Council of Europe institutions and bodies which deal with (issues relating to) human rights defenders, including the Committee of Ministers, the Commissioner for Human Rights, the Secretary General and the Conference of INGOs;
- follow activities and maintain, when appropriate, working relations with bodies and agencies of the United Nations (including its Special Rapporteur on the situation of human rights defenders), the European Union, with the Organisation for Security and Cooperation in Europe (OSCE), other international governmental and non-governmental organisations;
- represent the committee on behalf of the Assembly *vis-à-vis* any of the above mentioned bodies and groups, when relevant and appropriate;
- in specific cases, make statements and launch appeals on his/her own behalf or propose to do so to the Committee;
- follow up previous resolutions and recommendations of the Assembly on issues related to human rights defenders.

Activities to date:

26.06.2019: the Committee considered an information note, and authorised the General Rapporteur to carry out fact-finding visits to France and Spain and to organise a hearing with up to three experts (both subject to the availability of funds) and authorised the declassification of his information note.

01.10.2019: the committee held a hearing with the participation of:

- Mr Gerald Staberock, Secretary General, World Organisation Against Torture, Geneva, Switzerland;
- Ms Emma Sinclair-Webb, senior Turkey researcher, Europe and Central Asia division, Human Rights Watch, Istanbul, Turkey;
- Ms Elena Jiménez, board member, Omnium Cultural, Barcelona, Spain.

15.11.2019: the committee agreed to declassify the minutes of its meeting on 01.10.2019 in the part concerning the above-mentioned hearing.

09.11.2020; the committee agreed to open a forthcoming hearing on the topic, subject to the agreement of the speakers.

3. General Rapporteur for the protection of whistleblowers: Mr Pieter Omtzigt, EPP/CD, the Netherlands, (appointed on 29.06.2020)

- **Term of office:** one year renewable, subject to a maximum of two years. Appointed on 29.06.2020,

The General Rapporteur on the protection of whistleblowers is mandated to intervene in matters relating to the protection of whistleblowers in various contexts (Member and observer States, partners for democracy, candidate countries for this status).

A whistleblower is a person reporting illegal activities or abuses of rights that may harm the public interest.

The General Rapporteur shall regularly report to the Committee on the information gathered and the measures taken.

Responsibilities:

The role of the general rapporteur is to:

- monitor, by maintaining working relations with them, the activities of the various Council of Europe bodies responsible for matters relating to the protection of whistleblowers (including the Committee of Ministers, the Commissioner for Human Rights);
- monitor, while maintaining working relations with them, the activities of the various European Union bodies responsible for matters relating to the protection of whistleblowers (including the

European Parliament, the European Commission and the European Anti-Fraud Office);

- monitor, by maintaining working relations with them, the activities of observer States, partners for democracy and other States applying for such status, seeking advice as necessary from relevant international organisations in this field;
- dialogue with representatives of civil society (trade unions and employers' associations, specialised non-governmental organisations) and individual whistleblowers;
- represent the committee on behalf of the Assembly in relevant and appropriate situations;
- issue statements and public calls, where appropriate, on behalf of the committee;
- ensure the promotion and follow-up of resolutions and recommendations of the Assembly and the Committee of Ministers on the protection of whistleblowers, in particular:
 - [Resolution 1729 \(2010\)](#) and [Recommendation 1916 \(2010\)](#) on the protection of whistleblowers;
 - [Resolution 1954 \(2013\)](#) and [Recommendation 2024 \(2013\)](#) on national security and access to information, in which the Assembly expressed its support for the "Global Principles on National Security and the Right to Information" ("Tshwane Principles");
 - [Resolution 2060 \(2015\)](#) and [Recommendation 2073 \(2015\)](#) on "Improving the protection of whistleblowers" and
 - [Resolution 2300 \(2019\)](#) and [Recommendation 2162 \(2019\)](#) on "Improving the protection of whistleblowers all over Europe",
 - and continue to promote the Assembly's decisions contained in these texts.

IV. Bureaus of the Committee and of the Sub-Committees

Plenary Committee

Chairperson: Mr Boriss Cilevičs, Latvia, SOC
 1st Vice-Chairperson: Mr Edmon Marukyan, Armenia, ALDE
 2nd Vice-Chairperson: Mr Emanuelis Zingeris, Lithuania, EPP/CD
 3rd Vice-Chairperson: Mr Martin Graf (Austria, EC/DA)

Sub-Committee on Human Rights

Chairperson: Mr Vladimir Vardanyan, Armenia, EPP/CD
 Vice-Chairperson: ZZ

Sub-Committee on Artificial Intelligence and Human Rights

Chairperson: Mr Ziya Altunyaliz, Turkey, NR
 Vice-Chairperson: ZZ

Sub-Committee on the Implementation of the Judgments of the European Court of Human Rights

Chairperson: Sir Christopher Chope, United Kingdom, EC/DA
 Vice-Chairperson: ZZ

V. Representation of the Committee at various events in 2020

Representatives appointed by the Bureau for 2020

- i. European Commission for Democracy through Law ("Venice Commission")
 Mr Vladimir Vardanyan, Armenia, EPP/CD – titular member
 Lord Richard Balfe, United Kingdom, EC/DA – substitute
- ii. Council for Democratic Elections (of the Venice Commission)
 Mr Antonio Gutiérrez, Spain, SOC – titular member
 Sir Christopher Chope, United Kingdom, EC/DA – substitute
- iii. Group of States against Corruption (GRECO)
 Mr Pere López, Andorra, SOC – titular member
 Mr Sergiy Vlasenko, Ukraine, EPP/CD – substitute
- iv. Moneyval
 Mr Titus Corlăţean (Romania, SOC) – titular member
 Sir Edward Leigh (United Kingdom, EC/DA) - substitute

VI. Secretariat of the Committee

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Human Rights Department
Head of the Committee Secretariat:**

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Appendix: Terms of reference of the Committee and its Sub-Committees

A. General terms of reference applicable to all Assembly committees

(Extract from Appendix to Resolution 1842 (2011), The terms of reference of Parliamentary Assembly committees – Implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly, adopted on 7 October 2011)

The Assembly decides to revise the general terms of reference applicable to all its committees as follow:

1. Committees may examine any matter within their specific terms of reference (Rule 43.1 of the Rules of Procedure) and, possibly, table information reports on these matters (Rule 48.6).
2. Committees shall only prepare reports for debate in the Assembly:
 - 2.1. on matters referred to them (Rule 25);
 - 2.2. when so instructed by texts adopted by the Assembly (taking account of Rule 24.1.b);
 - 2.3. when stipulated by the Assembly's Rules of Procedure;
 - 2.4. when mandated to do so by their specific terms of reference;
3. The committees ensure the appropriate follow-up to resolutions and recommendations adopted by the Assembly in the fields covered by their specific terms of reference.
4. Committees may organise conferences and other events on matters within their specific terms of reference and which are linked to their work programme, subject to availability of funds.
5. Committees shall establish and maintain working relations with:
 - 5.1. the competent bodies (committees, etc.) of national parliaments of member States;
 - 5.2. the competent bodies (committees, etc.) of European parliamentary assemblies (European Parliament, Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE), Interparliamentary Assembly of the Commonwealth of Independent States (CEI) and others) and of the Interparliamentary Union (IPU);
 - 5.3. subject to decision by the Bureau of the Assembly, the competent bodies (committees, etc.) of national parliaments holding special guest, observer or partner for democracy status;
 - 5.4. subject to decision by the Bureau of the Assembly, the competent bodies (committees, etc.) of national parliaments of non-member States.
6. Committees shall follow the activities of the Committee of Ministers in the fields covered by their specific terms of reference.
7. Committees shall follow the activities of, and maintain working relations with:
 - 7.1. the relevant rapporteur groups, working groups and liaison committees of the Ministers' Deputies and rapporteurs of the Ministers' Deputies;
 - 7.2. the relevant Council of Europe structures and bodies such as the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner for Human Rights, the Council of Europe partial agreements, the Council of Europe monitoring bodies and the relevant Council of Europe expert committees.
8. Committees are entitled to be represented in the Assembly's delegations to the relevant European conferences of specialised ministers and to follow their activities.

9. Committees shall follow the activities of, and maintain working relations with, the European and international organisations and bodies which carry out activities in the fields covered by their specific terms of reference, in particular the European Union, the OSCE, the United Nations and their agencies and institutions.

10. Committees are entitled to develop and maintain working relations with the European and international non-governmental organisations which carry out activities in the fields covered by their specific terms of reference.

11. Committees shall promote the ratification and the implementation by Council of Europe member States of relevant conventions covered by their specific terms of reference.

B. Committee on Legal Affairs and Human Rights (AS/Jur)

i. Background information

Number of seats: 91

The Committee was established in 1949 with the title “Legal and Administrative Questions” and known from 1956 until the end of 1989 as the “Legal Affairs Committee”, when the title was changed to the “Committee on Legal Affairs and Human Rights”.

ii. Specific terms of reference

(Extract from Appendix to Resolution 1842 (2011), The terms of reference of Parliamentary Assembly committees – Implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly, as amended by Resolution 2002 (2014), § 9.10)²

[...]

2. Committee on Legal Affairs and Human Rights (AS/Jur)

2.1. The Committee shall consider all legal and human rights matters (including proposals for and the preparation of statutory opinions on draft Council of Europe conventions) which fall within the competence of the Council of Europe.

2.2. The Committee shall in particular consider:

2.2.1. all matters concerning the human rights treaties and mechanisms of the Council of Europe, notably the European Convention on Human Rights (ETS No. 5) and its protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), and other international instruments;

2.2.2. other issues concerning the state of human rights and fundamental freedoms and the rule of law in Europe, as well as in the observer States and in the States whose parliaments enjoy observer or partner for democracy status, including allegations of serious human rights violations of a systemic or otherwise widespread nature;

2.2.3. the functioning of national and international judicial institutions (as well as ombudspersons and national human rights institutions), the police, detention centres and prisons in the member States of the Council of Europe;

2.2.4. national and international criminal law and criminology; the treatment of offenders and conditions of detention (including pre-trial detention); alternatives to imprisonment;

2.2.5. legal and human rights issues relating to the fight against terrorism.

² On 26 January 2015 the AS/Jur's Sub-Committee on the election of judges was replaced by a new general Committee on the Election of Judges to the European Court of Human Rights (AS/Cdh): see <http://assembly.coe.int/nw/Committees/as-cdh/as-cdh-main-EN.asp>

2.3. The Committee shall give an opinion on the law, legal practice and the observance of human rights and fundamental freedoms of applicant States for membership of the Council of Europe, and of States whose parliaments seek to acquire partner for democracy status with the Parliamentary Assembly, to assess compliance with Council of Europe standards.

2.4. The Committee shall promote Council of Europe standard-setting legal instruments in the field of respect for human rights, fundamental freedoms and the rule of law in non-member States.

2.5. The Committee shall be in charge of interviewing all candidates for the post of Council of Europe Commissioner for Human Rights, before his or her election by the Assembly. It shall also examine the curricula vitae of candidates to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

2.6. The Committee shall follow the activities of the European Ombudsmen Conference.

2.7. The Committee shall share the Assembly representation in the European Commission for Democracy through Law (Venice Commission) and in its Council for Democratic Elections.

2.8. The Committee shall represent the Assembly in the Council of Europe Group of States against Corruption (GRECO) and shall participate in the work of the European Commission for the Efficiency of Justice (CEPEJ).

2.9. The Committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.

[...]

C. Terms of reference of the Sub-Committee on Human Rights (AS/Jur/DH)³

(Approved by the Committee on 29 January 2015)

1. The Sub-Committee shall consider any matter falling within the terms of reference of the Committee on Legal Affairs and Human Rights relating specifically to the state of human rights and fundamental freedoms. In particular, the Sub-Committee shall monitor relevant human rights developments in Council of Europe member, observer and applicant States, as well as States whose parliaments enjoy Partner for Democracy status with the Assembly. It shall also follow activities of and maintain working relations with relevant Council of Europe bodies.

2. Moreover, the Sub-Committee shall review and make recommendations to the Committee on lists of candidates for membership of the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) submitted by States Parties to the European Convention for the Prevention of Torture.

D. Terms of reference of the Sub-Committee on Artificial Intelligence and Human Rights (AS/Jur/AI)

(Approved by the Committee on 13 December 2018)

1. Having regard to paragraph 2.2.2. of the terms of reference of the Committee on Legal Affairs and Human Rights, the Sub-Committee shall consider issues relating to the maintenance of Council of Europe standards on human rights and the rule of law – notably those deriving from the European Convention on Human Rights – in connection with the implementation of new technologies, in particular machine learning and other forms of artificial intelligence, including in the fields of privacy, criminal justice and legal liability for actions taken by systems involving artificial intelligence.

2. The Sub-committee shall seek to identify areas in which greater regulation and co-operation at European and international level are required, including by taking account of work undertaken by the national

³ Note from the Secretariat: in line with previous practice, the Sub-Committee shall also interview the candidates shortlisted by the Committee of Ministers for the post of Council of Europe Commissioner for Human Rights and address a recommendation to the Assembly's Bureau in this respect (see Resolution CM (99)50, Order 547 (1999) and AS/Jur/DH (1999) OJ 4, AS/Jur/DH (2005) OJ 6 and AS/Jur/DH (2011) OJ 05 Rev.)

parliaments of member and observer states and those with partnership for democracy status. It shall follow, with a view to contributing where appropriate, Council of Europe work in this area being undertaken at inter-governmental area.

E. Terms of reference of the Sub-Committee on the Implementation of Judgments of the European Court of Human Rights (AS/Jur/CourDH)

(Approved by the Committee on 29 January 2015)

1. Having regard to the terms of reference of the Committee on Legal Affairs and Human Rights, the Sub-Committee shall consider issues relating to the implementation, at the domestic level, of the judgments of the European Court of Human Rights (ECHR) finding a violation of the European Convention on Human Rights and/or its protocols.

2. The Sub-Committee shall, in particular, address the most pertinent cases of non-implementation of judgments, especially those pointing to the existence of systemic shortcomings or requiring urgent individual measures, especially in cases concerning serious human rights violations. It shall seek to identify, together with Committee's Rapporteur on the Implementation of Judgments of the ECHR, the reasons for failure to execute judgments in co-operation with, in particular, the parliamentary national delegation of the State concerned in order to find solutions to outstanding problems.