

SECRETARIAT

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18 October 2023

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

### Synopsis of the meeting held in Strasbourg on 9-12 October 2023

The Committee on Legal Affairs and Human Rights, meeting in Strasbourg on 9-12 October 2023 with Mr Damien Cottier (Switzerland, ALDE) in the Chair from 9-11 October 2023,

- on Monday 9 October 2023 from 1-2pm, as regards,
  - **Debate under urgent procedure on the "Call for the immediate release of Osman Kavala"**: appointed Ms Petra Bayr (Austria, SOC) as rapporteur and heard from her a declaration of no conflict of interests (with the proviso that the Assembly accept the proposal of this urgent debate);
  - **The right to freedom of information: ensuring access to historical documents** (*Rapporteur: Ms Klotilda Bushka, Albania, SOC*): considered a draft report and unanimously adopted a draft resolution and a draft recommendation;
  - **"Money and Democracy – an Uneasy Relationship", 7-8 December 2023, Cologne, Thyssen-Stiftung**: agreed to propose that Mr Constantinos Efstathiou (Cyprus, SOC), Mr Davor Ivo Stier (Croatia, EPP/CD) and Pablo Hispán (Spain, EPP/CD) participate in this conference as members of the Bureau's *ad hoc* committee;
  - **Implementation of judgments of the European Court of Human Rights – 12th report** (*Rapporteur: Mr Constantinos Efstathiou, Cyprus, SOC*) agreed to the Rapporteur's request to declassify the introductory memorandum;
  - **World Forum for Democracy**: agreed to propose the following members to the *ad hoc* committee of the Bureau participating in the World Forum on Democracy on 6-8 November 2023 in Strasbourg: Mr Pablo Hispán (Spain, EPP/CD), Ms Zeynep Yildiz (Türkiye, NR), Mr Oleksii Goncharenko (Ukraine, EC/DA), Mr Damien Cottier (Switzerland, ALDE), Mr Yunus Emre (Türkiye, SOC) and Mr Vladimir Vardanyan (EPP/CD) (in addition to the following previously proposed members: Mr Constantinos Efstathiou, (Cyprus, SOC), Mr Jean-Pierre Grin (Switzerland, ALDE) and Mr Ziya Altunyaldiz (Türkiye, NR));
  - **Participation of members in conferences, meetings, seminars etc**: heard reports by the following representatives:

Mr Davor Ivo Stier, (Croatia, EPP/CD) on the 78<sup>th</sup> meeting of the Venice Commission's Council for Democratic Elections, Venice, Italy, 5 October 2023;

Mr Constantinos Efstathiou, Cyprus, SOC on the 136<sup>th</sup> European Commission for Democracy through Law (Venice Commission), Venice (Italy) 6-7 October 2023;

- **Hearings during the next meeting:** agreed to hold the following hearings with invited experts at the next meeting, subject to the availability of funds, and that they be open to the public provided all invited speakers agree:
  - *Legal and human rights aspects of the Russian Federation's aggression against Ukraine* (Rapporteur: Mr. Davor Ivo Stier (Croatia, EPP/CD));
  - *Sanctions of persons on the "Kara-Murza list"* (Rapporteur: Mr Eerik-Niiles Kross, Estonia, ALDE);
- **Fact-finding visit:** in the context of her work as Rapporteur for opinion on the "Statutory Opinion on the application for membership set out in the letter of 12 May 2022 addressed to the Secretary General of the Council of Europe, in line with Statutory Resolution (51) 30 [\[DD\(2022\)200\]](#)", agreed to the request of Ms Azadeh Rojhan (Sweden, SOC) to conduct a fact-finding visit to Kosovo<sup>1</sup> in early December 2023, subject to the availability of funds;
- **Authorisation of members to attend events:**
  - *CAI plenary meetings: 24-26 October 2023 (online) and 5-7 December 2023 (presential):* agreed to the attendance of Ms Sunna Ævarsdóttir (Iceland, SOC), in her capacity as Chair of the Sub-Committee on Artificial Intelligence and Human Rights, at the plenary meetings of the Council of Europe's Committee on Artificial Intelligence on 24-26 October 2023 (online) and 5-7 December 2023 (presential), the latter, subject to the availability of funds;
  - *International Scientific Conference on Digitalization, Innovations & Sustainable Development: Trends and Business Perspectives" at the Australian University of Kuwait, 29-30 November 2023:* agreed to the attendance of Ms Sunna Ævarsdóttir (Iceland, SOC), in her capacity as Chair of the Sub-Committee on Artificial Intelligence and Human Rights, noting that travel and accommodation expenses be covered by the conference organisers;
- **Sub-Committees:** agreed to a request by the Greek delegation to replace their current members as follows:
 

*Sub-Committee on Human Rights:* Mr. Dimitrios Mantzos (SOC) as alternate member to Mr. Evripidis Stylianidis (EPP/CD)

*Sub-Committee on Artificial Intelligence and Human Rights:* Mr. Andreas Nikolakopoulos (EPP/CD) (as titular member)

*Sub-Committee on the implementation of judgements of the European Court of Human Rights:* Mr. Andreas Nikolakopoulos (EPP/CD) as alternate member to Mr. Evripidis Stylianidis (EPP/CD)

and agreed to a request by the Turkish delegation to replace their current members as follows:

Ms Zeynep Yıldız (NR) and Mr Konur Alp Koçak (NR) on *the Sub-Committee on Human Rights* (as titular and alternate members respectively).

Ms Zeynep Yıldız (NR), Mr Yunus Emre (SOC) on *the Sub-Committee on Artificial Intelligence and Human Rights* (as titular and alternate members respectively).

Ms Seda Gören Bölük (NR) on *the Sub-Committee on the implementation of judgments of the European Court of Human Rights* (as titular member);
- **on Tuesday 10 October 2023 from 9.30am – 10.30am**, as regards:
  - **Statement by Ms Ayşe Buğra-Kavala, spouse of Mr Osman Kavala** ([Václav Havel Human Rights Prize Winner 2023](#)): heard a statement by Ms Ayşe Buğra-Kavala and held a short exchange with members;
  - **Debate under urgent procedure on the "Call for the immediate release of Osman Kavala"**

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<sup>1</sup> \*All reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

(Rapporteur: Ms Petra Bayr, Austria, SOC): considered a draft report and adopted a draft resolution and a draft recommendation. Noted the intention of Ms Zeynep Yıldız (Türkiye, NR) to submit a dissenting opinion to the above-mentioned report;

– **References transmitted to the committee**

- **Appointment of Rapporteurs for reports:**

- Commemorating the 90<sup>th</sup> anniversary of the Holodomor of 1932-1933 in Ukraine [Doc. 15728](#): appointed Mr Knut Abraham (Germany, EPP/CD) and heard from him a statement of no conflict of interest;

• **on Tuesday 10 October 2023 from 10.30am – 12.30pm, as regards:**

- **Dialogue with the representatives of the Russian democratic forces sharing the Council of Europe values, follow-up to Assembly [Resolutions 2433 \(2022\)](#) and [2473 \(2022\)](#)<sup>[1]</sup>:** held a joint meeting with the Committee on Political Affairs and Democracy and the Committee on Migration, Refugees and Displaced Persons, heard a statement by Mr Tiny Kox, President of the Parliamentary Assembly and held a hearing with representatives of Russian democratic opposition forces, with the participation of:

Ms Natalia Arno, President of the Free Russia Foundation

Mr Gennady Gudkov, former member of the Duma, Chairman of "For a Free Russia"

Mr Sergei Guriev, Russian Anti-War Committee, True Russia Project

Ms Evgenia Kara-Murza, wife of jailed Russian opposition leader and 2022 Václav Havel Prize laureate Vladimir Kara-Murza

Mr Mikhail Khodorkovsky, Russian Anti-War Committee, Russian Action Committee (online)

Ms Ekaterina Shulman, political scientist, academic and commentator

Took note of the President's intention to establish a regular contact platform for dialogue with representatives of Russian democratic forces who share Council of Europe values, fully respect Ukraine's territorial integrity and condemn the Russian Federation's war of aggression against Ukraine;

• **on Wednesday 11 October 2023 from 10.30am – 12.30pm, as regards:**

– **References transmitted to the committee**

- **Appointment of Rapporteurs for reports:**

- On private military companies, mercenaries, foreign fighters and their impact on human rights ([Doc. 15771](#)): appointed Mr Andrea Orlando (Italy SOC) and heard from him a statement of no conflict of interest;

- **Appointment of a Rapporteur for Opinion:**

- **Safeguarding future rights for future generations ([Doc. 15513](#))** (Re-appointment owing to the departure of the former Rapporteur for opinion Ms Margreet De Boer (Netherlands, SOC) from the Assembly) (Rapporteur for the Committee on Social Affairs, Health and Sustainable Development: Mr Pedro Cegonho, Portugal, SOC): appointed Ms Gala Veldhoen (Netherlands, SOC) and heard from her a statement of no conflict of interest;

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[1] In its [Resolution 2433 \(2022\)](#) "Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe", the Assembly resolved "to intensify its engagement with Belarusian and Russian civil society, human rights defenders, independent journalists, academia and democratic forces respecting the values and principles of the Organisation, including the territorial integrity of sovereign member States" (paragraph 18.2). Subsequently, in its [Resolution 2473 \(2022\)](#) "Strengthening the role of the Council of Europe as a cornerstone of the European political architecture", the Assembly called on Council of Europe member States to "consider new initiatives to support Russian human rights defenders, democratic forces, free media and independent civil society that respect the values and principles of the Council of Europe, including the territorial integrity of sovereign member States" (paragraph 15.7).

**References transmitted for consultation:**

- **A parliamentary sponsorship programme between the Parliamentary Assembly members and human rights defenders or the politically oppressed** ([Doc. 15752](#)) (reference also transmitted to the Committee on Political Affairs and Democracy for consultation): agreed that the Chair inform the Bureau that the General Rapporteurs on Political Prisoners (Sunna Aevardsdóttir, Iceland, SOC) and Human Rights Defenders (Emanuelis Zingeris, Lithuania, EPP/CD) would reflect on possible proposals for the future and present relevant proposals in their annual information notes for the Assembly;
- **Towards a transparency register within the Parliamentary Assembly** (*Rapporteur: Ms Azadeh Rojhan, Sweden, SOC*): agreed to the Rapporteur's request to declassify her introductory memorandum;
- **The Sub-Committee on Human Rights**: took note of an oral report by the Chairperson of plenary Committee regarding the meeting of the Sub-Committee held on Tuesday 10 October 2023 and endorsed the proposals of the Sub-Committee concerning the lists of candidates to the European Committee for the Prevention of Torture (CPT) submitted by the delegations of Greece, Ireland, Latvia, Romania, Portugal, Italy and Armenia for transmission to the Bureau (thus accepting the proposal of the Sub-Committee concerning the single-sex list submitted by the Armenian delegation);
- **Pegasus and similar spyware and secret state surveillance** (*Rapporteur: Mr Pieter Omtzigt Netherlands, EPP/CD*): took position on twelve amendments to the draft resolution and two amendments to the draft recommendation;
- **Reparation and reconciliation processes to overcome past conflicts and build a common peaceful future – the question of just and equal redress** (*Rapporteur: Lord Richard Keen United Kingdom, EC/DA*): considered an introductory memorandum, agreed to declassify it and held a hearing with the participation of:

Mr Pablo De Greiff, Director, Center for Human Rights and Global Justice, New York University School of Law; Commissioner, UN Commission of Inquiry on Ukraine; former UN Special Rapporteur for the promotion of truth, justice, reparation and guarantees of non-recurrence (2012-2018)

Mr Igor Cvetkovski, Senior Advisor on Reparations and Transitional Justice International Organization for Migration

Mr Christos Giakoumopoulos, Director General, Directorate General Human Rights and Rule of Law (DGI), Council of Europe;

- **on Thursday 12 October 2023 from 8.30am – 10am**, with Mr Davor Ivo Stier (Croatia, EPP/CD), First Vice-Chairperson in the Chair, as regards:
- **Human rights and humanitarian situation of Karabakh Armenians and international obligations of Azerbaijan**: held a joint hearing ([available on YouTube](#)) with the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and the Committee on Migration, Refugees and Displaced Persons with the participation of:

Mr Thomas de Waal, Senior Fellow, Carnegie Europe, London, United Kingdom (online)

Mr Andreas Wissner, Representative, UNHCR Representation to the European Institutions in Strasbourg

Prof. Dr. Björn Schiffbauer, Professor of Public Law, European and International Law, University of Rostock, Germany;

- **on Thursday 12 October 2023 from 10.30am – 12.30pm**, with Mr Davor Ivo Stier (Croatia, EPP/CD), First Vice-Chairperson in the Chair, as regards:
- **Debate under urgent procedure on the "Call for the immediate release of Osman Kavala"**

(Rapporteur: Ms Petra Bayr, Austria, SOC): took position on one amendment and one written sub-amendment to the draft resolution;

- **Examining the legitimacy and legality of the ad hominem term-limit waiver for the incumbent President of the Russian Federation** (Rapporteur: Mr Pieter Omtzigt, The Netherlands, EPP/CD): took position on four amendments and two sub-amendments to the draft resolution;
- **Legal and Human Rights consequences of the Russian war of aggression against Ukraine** (Rapporteur: Mr Davor Ivo Stier, (Croatia, EPP): held an exchange of views with Mr James Goldston, Executive Director, Open Society Foundations, Justice Initiative, New York, United States of America, on recent developments regarding the ad hoc international criminal tribunal for the crime of aggression;
- **Situation of human rights defenders in Europe** (Rapporteur General: Mr Emanuelis Zingeris (Lithuania, EPP/CD): considered an information note, agreed to declassify it and held exchange of views with the Commissioner for Human Rights of the Council of Europe, Ms Dunja Mijatović. Decided to hold a hearing focusing on Whistleblowers during the November/December meeting with invited experts, subject to the availability of funds ( );
- **Next meetings:**
  - 13 November 2023, afternoon, and 14 November, morning, Sub-Committee on the implementation of judgments of the European Court of Human Rights (open to all members of the Committee on Legal Affairs and Human Rights), Zagreb, Croatia
  - 30 November 2023, afternoon and 1 December 2023 all day (interviews for the post of Commissioner for Human Rights of the Council of Europe on the morning of 1 December, ), Paris Office.

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**The Sub-Committee on Human Rights** (of the Committee on Legal Affairs and Human Rights), meeting in Strasbourg on Tuesday 10 October 2023 at 8.30am, with Mr Kamal Jafarov, (Azerbaijan, EC/DA) in the Chair and then Mr Damien Cottier (Switzerland, ALDE) in the Chair, as regards:

With Mr Kamal Jafarov (Azerbaijan, EC/DA) in the Chair:

- **European Committee for the Prevention of Torture (CPT)**: considered the lists of candidates to the CPT in respect of Greece, Ireland, Latvia, Romania, Portugal, and Italy and agreed on an order of preference amongst the candidates on each of those lists;

With Mr Damien Cottier (Switzerland, ALDE), Chairperson of the plenary Committee, in the Chair:

- **European Committee for the Prevention of Torture (CPT)**: considered the list of candidates to the CPT in respect of Armenia. Agreed to propose to the Committee on Legal Affairs and Human Rights that the single-sex list submitted by the Armenian delegation be accepted and agreed on an order of preference amongst the candidates on this list;
- **Next meeting**: during the January 2024 part-session.

Günter Schirmer, Guillem Cano-Palomares, Eleanor Hourigan, George Stafford, Rafal Sokol, Laura Cestaro

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