

## 2024 ORDINARY SESSION

First part

22 – 26 January 2024

### **TEXTS ADOPTED BY THE ASSEMBLY**

**Provisional versions**

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Recommendations  
2265 to 2269





## Recommendation 2265 (2024)<sup>1</sup>

Provisional version

# Situation of the children of Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2529 \(2024\)](#) “Situation of the children of Ukraine”. It welcomes the setting up of the Council of Europe Consultation Group on the Children of Ukraine, whose mandate covers unaccompanied and separated minors arriving in the member States of the Council of Europe, children evacuated from residential care facilities and accompanied by adults, and children accompanied by a parent or caregiver.
2. The Assembly recommends that the Committee of Ministers appoints a Special Rapporteur on the situation and return of Ukrainian children deported and forcibly transferred by the Russian Federation and Belarus. The Rapporteur's mission should include proposals to facilitate the return of all children of Ukraine, considering their best interests, especially orphans and children deprived of parental care, including siblings, and all unaccompanied children who are currently under the control of the Russian Federation.
3. The Assembly recommends that the Committee of Ministers creates and ensures the functioning of a joint registry of individuals who have been included in the sanctions lists of Council of Europe member States, as well as in the EU sanctions list, in connection with their involvement in the deportation, forcible transfer, unjustifiable delay in repatriation of Ukrainian children as well as in unlawful adoption or establishment of guardianship over Ukrainian children. Such a registry would serve the purpose of harmonising sanctions policy and monitor and enhance the effectiveness of the imposed restrictive measures.
4. The Assembly recommends that the Committee of Ministers pays due consideration to the specific educational, medical, and social needs of Ukrainian children. Recognising Ukraine's commitment to transitioning from a system based around institutional care to one which seeks to ensure every child's right to be raised in a family environment, the Assembly recommends that, when implementing its Strategic Framework, the Council of Europe member States which are party to the Partial Agreement on the Council of Europe Development Bank (CEB) consider the establishment of a comprehensive joint programme between Ukraine and the CEB aimed at addressing the individual needs of Ukrainian children in the arrangements for their rehabilitation, reunification with families or placement in family-based care, and their reintegration into their home country, implemented by the Ukrainian competent authorities in accordance with relevant international standards.

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1. *Assembly debate* on 25 January 2024 (5th sitting) (see [Doc. 15901](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Olena Khomenko); and [Doc. 15902](#), opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Sandra Zampa). *Text adopted by the Assembly* on 25 January 2024 (5th sitting).







## Recommendation 2266 (2024)<sup>1</sup>

Provisional version

# A democratic future for Belarus

Parliamentary Assembly

1. Drawing the Committee of Ministers' attention to its [Resolution 2530 \(2024\)](#) "A democratic future for Belarus", the Parliamentary Assembly reiterates its ambition to welcome a future democratic, independent, sovereign, peaceful and prosperous Belarus as a member of the Council of Europe.
2. The Assembly, therefore, hails the commitment made by the Heads of State and Government of the Council of Europe in the Reykjavík Declaration to strengthen co-operation with Belarusian human rights defenders, democratic forces, free media and independent civil society, and to pursue the work of the Council of Europe Contact Group on co-operation with representatives of Belarusian democratic forces and civil society. The Assembly fully supports the Contact Group as an institutional platform which enables the Council of Europe and the Belarusian democratic forces and civil society to partner up with a view to promoting a democratic change in Belarus and strengthen the rights of Belarusian people, whether in Belarus or in exile.
3. Condemning the active support by the Lukashenko regime of the Russian Federation in its brutal war of aggression against Ukraine, the Assembly welcomes the decision of the Committee of Ministers of 17 March 2022 to suspend the rights of Belarus to participate as observer or in any other capacity in meetings of the Committee of Ministers, the Congress of Local and Regional Authorities or in any subsidiary organs or bodies thereof.
4. Expressing its solidarity with all those whose lives have been affected by the crimes of the Lukashenko regime, the Assembly states its gravest concern at the systematic deterioration of human rights, rule of law, and democratic standards in Belarus since the fraudulent presidential elections of 9 August 2020, a trend which further increased following the Russian Federation's large-scale aggression against Ukraine.
5. In the light of these considerations, the Assembly believes that the Council of Europe should further strengthen its support for Belarusian democratic forces and civil society while promoting mechanisms to ensure the accountability of the Lukashenko regime.
6. The Assembly, therefore, calls on the Committee of Ministers to:
  - 6.1. provide political and material support and greater visibility to the Council of Europe Contact Group on co-operation with representatives of Belarusian democratic forces and civil society and its activities;
  - 6.2. hold regular exchanges of views on the situation in Belarus, with the participation of Ms Sviatlana Tsikhanouskaya, representatives of the United Transitional Cabinet and the Coordination Council;
  - 6.3. step up co-operation with other international organisations, including the European Union, to promote a European perspective for a future democratic Belarus.

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1. *Assembly debate* on 25 January 2024 (6th sitting) (see [Doc. 15892](#) and [addendum](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Kimmo Kiljunen; and oral opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Emanuelis Zingeris). *Text adopted by the Assembly* on 25 January 2024 (6th sitting).



7. Furthermore, the Assembly, recommends that the Committee of Ministers:
  - 7.1. explores methodologies and initiatives to ensure accountability for the repression in Belarus, through national, regional or international procedures;
  - 7.2. encourages member States to support and contribute to establishing a system of accountability for the crimes and human rights violations committed by the Lukashenka regime.





## Recommendation 2267 (2024)<sup>1</sup>

Provisional version

# Countering SLAPPS: an imperative for a democratic society

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 2531 \(2024\)](#) “Countering SLAPPS: an imperative for a democratic society”, recalls that under Article 10 of the European Convention on Human Rights (ETS No. 5) member States not only must refrain from interfering with the right to freedom of expression, but they also have a positive obligation to ensure a safe and favourable environment for participation in public debate by everyone, without fear, even when their opinions run counter to those defended by official authorities or significant parts of the public.
2. Recommendation CM/Rec(2016)4 of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors calls on member States to “exercise vigilance to ensure that legislation and sanctions are not applied in a discriminatory or arbitrary fashion against journalists and other media actors. They should also take the necessary legislative and/or other measures to prevent the frivolous, vexatious or malicious use of the law and legal process to intimidate and silence journalists and other media actors”.
3. Similarly, Recommendation CM/Rec(2018)2 of the Committee of Ministers on the roles and responsibilities of internet intermediaries calls on member States to consider adopting “appropriate legislation to prevent strategic lawsuits against public participation (SLAPP) or abusive and vexatious litigation against users, content providers and intermediaries which is intended to curtail the right to freedom of expression”.
4. However, SLAPPS are prospering in the jurisdictions of too many Council of Europe member States because of the lack of adequate procedural mechanisms to prevent, remedy and sanction abusive lawsuits which hinder the right to freedom of expression and public participation.
5. The Assembly is concerned by this phenomenon and warmly welcomes the initiative taken by the Committee of Ministers to entrust its Steering Committee on Media and Information Society (CDMSI) to draw up a draft recommendation of the Committee of Ministers to member States on countering the use of SLAPPS.
6. The Assembly commends the work accomplished by the CDMSI and its Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP), to which the Assembly’s rapporteur on this issue also contributed.
7. Therefore, the Assembly recommends that the Committee of Ministers:
  - 7.1. adopts a bold recommendation on countering the use of SLAPPS following CDMSI proposals;
  - 7.2. encourages and monitors the prompt and effective implementation by the member States of the guidelines set forth by the recommendation, including the wide range of safeguards mechanisms and remedies therein.

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1. *Assembly debate* on 25 January 2024 (6th sitting) (see [Doc. 15869](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Stefan Schennach; and [Doc. 15879](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Davor Ivo Stier). *Text adopted by the Assembly* on 25 January 2024 (6th sitting).







**Recommendation 2268 (2024)<sup>1</sup>**

Provisional version

## **Guaranteeing media freedom and the safety of journalists: an obligation of member States**

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 2532 \(2024\)](#) “Guaranteeing media freedom and the safety of journalists: an obligation of member States”, recalls that under Article 10 of the European Convention on Human Rights (ETS No. 5) member States must not only refrain from interfering with the right to freedom of expression, but they also have a positive obligation to establish a sound legal framework for media pluralism and for journalists and other media actors to work safely.
2. The establishment of the Council of Europe Platform to promote the protection of journalism and safety of journalists, in 2015, has been a fundamental step as it enables the monitoring of serious threats to the safety of journalists and media freedom. Unfortunately, the level of alerts posted has risen constantly over the years, both in terms of number of alerts and countries concerned.
3. Recommendation CM/Rec(2016)4 of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors is a unique instrument providing guidelines to member States in the areas of prevention, protection, prosecution, promotion of information, education and awareness raising.
4. However, journalists and other media professionals remain subjected to threats, intimidation and violence, face imprisonment and even their lives are in danger. In addition, the judgments of the European Court of Human Rights are not properly executed, resulting in a lack of action to remedy violations in specific cases and to solve systemic problems.
5. The Assembly welcomes the final Declaration of the 4th Summit of Heads of State and Government of the Council of Europe, which took place in Reykjavík on 16-17 May 2023. This declaration reaffirms “the Council of Europe’s prominent role in international standard-setting on freedom of expression and related issues such as media freedom” and member States’ commitment to “continue [their] collective efforts for the safety of journalists and other media actors”.
6. On 5 October 2023, the Council of Europe launched its Campaign for the Safety of Journalists, with the slogan “Journalists matter”, to raise awareness of the importance of free and safe journalism for democracy, stimulate effective tackling of pressing issues in this domain and ultimately increase the safety of journalists and other media actors. The Assembly strongly supports this campaign, and recommends that the Committee of Ministers:
  - 6.1. encourages the establishment of efficient national co-ordination structures and national focal points, and the adoption of national strategies and concrete action plans by all Council of Europe member States;
  - 6.2. follows carefully, promotes and supports the implementation of the campaign in all member States and the development of appropriate legal and other measures aimed at establishing a safe environment for journalists and other media actors;

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1. *Assembly debate* on 25 January 2024 (6th sitting) (see [Doc. 15891](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Mogens Jensen). *Text adopted by the Assembly* on 25 January 2024 (6th sitting).



6.3. encourages dialogue with the partners of the Platform to promote the protection of journalism and safety of journalists, to ensure responsiveness and the adoption of adequate measures to resolve the alerts therein, in particular when threats arise from new legislations.



## Recommendation 2269 (2024)<sup>1</sup>

Provisional version

# Child abuse in institutions in Europe

Parliamentary Assembly

1. Referring to [Resolution 2533 \(2024\)](#) “Child abuse in institutions in Europe”, the Parliamentary Assembly proposes to take advantage of good practice and wishes to open up a Europe-wide debate on full reparation for crimes committed against children in public, private and religious institutions in Europe.
2. The Assembly welcomes the launch of the 3rd monitoring round by the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) which will focus on the protection of children against sexual abuse in the circle of trust.
3. The Assembly invites the Committee of Ministers to encourage the Lanzarote Committee to:
  - 3.1. take into account the example of good practice in Switzerland, which has recognised its share of the responsibility for violations of the rights of children placed in institutions and has presented public apologies to victims;
  - 3.2. support the memorial efforts of the member States, as well as co-operation and the exchange of good practices, by encouraging the creation of such memorials commemorating the victims of institutional mistreatment which highlight the fundamental values of the Council of Europe – human rights, democracy and the rule of law – in order to educate future generations on the best interests of the child and the protection of their well-being.
4. Finally, it also encourages the Committee of Ministers to support the efforts of the member States to recognise the suffering inflicted and offer appropriate care for its effects; issue an official apology to past and present victims, subjected to any form of physical, sexual or psychological violence; provide for the compensation for the damage suffered with no time limit in relation to the date of the offences, and prosecution of the authors of such crimes without a statute of limitations.

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1. *Assembly debate* on 26 January 2024 (7th sitting) (see [Doc. 15889](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Pierre-Alain Fridez; and oral opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Constantinos Efstathiou). *Text adopted by the Assembly* on 26 January 2024 (7th sitting).





Resolutions  
2524 to 2534







**Resolution 2524 (2024)<sup>1</sup>**

Provisional version

## **Recent developments in the Middle East: Hamas' terrorist attack on Israel and Israel's response**

Parliamentary Assembly

1. The Parliamentary Assembly unequivocally, and in the strongest possible terms, condemns the barbaric attack conducted by Hamas and other militia groups against Israel on 7 October 2023. Not since the Shoah have so many Jews been killed in one day. The actions of the attackers – who slaughtered and maimed hundreds of people, raped women and took 239 hostages, including children, persons with disabilities and the elderly – leave no doubt about the terrorist nature of Hamas and the other affiliated groups who took part in this carnage, and cannot be justified on any grounds whatsoever. The Assembly expresses its support for Israel in the face of the most brutal terrorist attack of its history, affirms its right to self-defence, and conveys its deepest sympathy to all those who have been affected. The Assembly stands firm in its commitment to the protection of Jewish life and in condemning terrorism, islamism, antisemitism and violent extremism in all their forms and manifestations, wherever they occur.

2. In response to this attack, the Israeli Government launched a war against Hamas, with the declared dual objective of annihilating Hamas and liberating the hostages. Israel's military response has resulted in the loss of thousands of lives, including of children, women, and the elderly, massive displacement and widespread destruction of civilian objects and infrastructure in Gaza. The high human toll is not only due to military operations being conducted in densely populated areas but also to the use of the Palestinian population as human shields by Hamas, having built a maze of underground tunnels and placed offensive weapons in close proximity of civilian buildings, including schools and hospitals.

3. The Assembly voices its sorrow and dismay at the staggering number of innocent casualties in the Gaza Strip. The Assembly also realises that, to many, the displacement of half of Gaza's population, caused by the present war, has revived memories of the Nakba.

4. The already dire humanitarian situation in Gaza has been exacerbated by the insufficient number of convoys transporting humanitarian aid, food, medicines, and fuel reaching those in need for several weeks, due to the closure of border points. An exception has been the evacuation through the Rafah border crossing with Egypt of an estimated 7 000 dual nationals and people in need of urgent medical care, including newborn babies.

5. The Assembly underlines that, beyond Gaza, the security situation is tense and volatile in the rest of Israel, the West Bank and East Jerusalem. Violent demonstrations have erupted and episodes of settler violence against Palestinians have turned into a worrying pattern, leading to many deaths. In addition, since 7 October, hundreds of Palestinians have been arrested on security grounds. In the north, exchanges of fire with Hezbollah across the border with Lebanon have caused victims and displacement on both sides. The risk of an expansion of the conflict cannot be excluded, given the support that Hamas and Hezbollah enjoy by some regional actors, as well as the other interested actors beyond the region who are striving to cause

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1. *Assembly debate* on 23 January 2024 (3rd sitting) (see [Doc. 15890](#) and [addendum](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Piero Fassino). *Text adopted by the Assembly* on 23 January 2024 (3rd sitting).



disturbances and raise further tensions in the world. The training, financing and arming of Hamas as well as the support for Hezbollah and the Houthis by the Iranian regime play a crucial role in the destabilisation of the region.

6. On 22 November 2023, with the mediation of Egypt, Qatar and the United States, an agreement was concluded between Israel and Hamas which allowed for a 4-day pause in the hostilities, during which Hamas were to free 50 Israeli hostages in exchange for the liberation of 150 Palestinian detainees, in both cases mainly women and children. The agreement was extended a number of times; with a total of 110 hostages released in exchange for 240 detainees. A number of humanitarian convoys were allowed to enter Gaza. While welcoming the agreement, the Assembly calls for the immediate launch of similar initiatives, as greater humanitarian support is necessary to address the basic needs of the civilian population. The Assembly welcomes and encourages Cyprus' initiative to create a sea corridor to transport humanitarian aid to Gaza.

7. The Assembly is afraid that this war – like many other flare-ups of violence before it – will not succeed in breaking the spiral of hatred and will not suffice to achieve durable and sustainable peace and security in the Middle East. For this result to be attained, it is necessary for Israelis and Palestinians to commit to a two-State solution, which will enable both peoples to exercise their right to self-determination and live in dignity. The international community must be unanimous, resolute and consistent in supporting this course of action. It is also necessary for political leaders on both sides to refrain from using inflammatory rhetoric which dehumanises the other people, denies their rights, and impedes any prospect of future reconciliation.

8. In the light of these considerations, the Assembly:

8.1. calls for a permanent ceasefire and for a restart of efforts towards a political solution provided that all hostages are immediately and unconditionally released and the terrorist organisation Hamas is dismantled;

8.2. calls for rapid, safe and unhindered access to humanitarian assistance for the population in Gaza;

8.3. calls on all parties to the hostilities to strictly abide by international law and international humanitarian law, in line with the principles of distinction, necessity, proportionality, and precaution, and recalls their obligation to respect and protect humanitarian relief personnel.

9. The Assembly calls for the resumption of peace negotiations based on a two-State solution, with the involvement of relevant stakeholders and the support of the international community to achieve a just and lasting peace in the region. In this context, the Assembly:

9.1. recalls the relevant United Nations Security Council resolutions and the necessity for all parties to abide by their legal obligations and responsibilities under international law;

9.2. renews with urgency its call on all parties to refrain from any unilateral measures that undermine the prospects of the peace process;

9.3. calls for the urgent and resolute engagement of the Israeli authorities in preventing settler violence and refraining from the building of new settlements and the extension of old ones, home demolitions, forced evictions, and confiscation of land in the occupied territories;

9.4. underlines that the Palestinian Authority is an essential interlocutor in peace negotiations;

9.5. calls on the Palestinian Authority to commit to preventing all forms of violence in the territories under its responsibility.

10. Supporting the International Criminal Court as an integral part of the international rules-based order and a central institution in the fight against impunity and in the pursuit of justice, which are essential components of sustainable peace, security and reconciliation, the Assembly calls on all those concerned to co-operate with investigations into the terrorist attack of 7 October 2023 and on alleged crimes committed in Gaza, East Jerusalem and the West Bank.

11. As regards the role of Council of Europe member States, the Assembly calls on them to:

11.1. support Israel in providing specialised assistance to the families of those who are still held captive, and to the hostages who have been liberated, taking into account the special needs of some groups, including children;

11.2. step up humanitarian assistance to the civilian population in Gaza and support relevant initiatives by the United Nations, its specialised agencies, the International Committee of the Red Cross and other humanitarian actors;

11.3. designate Hamas as a terrorist organisation and take appropriate measures to thwart its operational capacity, counteract the support and financing of Hamas from within member States, from the Islamic Republic of Iran and the Revolutionary Guards, and counter the spread of misinformation about the barbaric attack by actors close to the authoritarian Iranian regime;

11.4. lend their full diplomatic support for a two-State solution and for creating the preconditions for durable and sustainable peace in the Middle East.

12. Deeply concerned about the alarming upsurge in antisemitic incidents across Europe since the beginning of the ongoing war, the Assembly stresses its rejection of all forms of incitement to violence and deplores hatred and intolerance in all their forms, including religious intolerance, racism, xenophobia, antisemitism and Islamophobia, in Europe and globally. The Assembly refers to its Resolution 2447 (2022) "Preventing and combating antisemitism in Europe" and reiterates all its recommendations, including its call to member States to adopt national strategies and measures to combat antisemitism. The Assembly affirms its support for the work of the Office of the Special Representative of the Secretary General of the Council of Europe on antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes, as well as that of the European Commission against Racism and Intolerance (ECRI) on this matter, including the revised General Policy Recommendation No. 9 on preventing and combating antisemitism from 2021.

13. Having taken note that some Council of Europe member States have forbidden demonstrations organised by pro-Palestinian groups in order to avert public disorders, the Assembly calls for the scrupulous implementation of the European Convention on Human Rights (ETS No. 5) and the case law of the European Court of Human Rights in relation to freedom of expression and freedom of assembly. It also calls for care and diligence in dealing with unauthorised demonstrations, with a view to avoid excesses which would risk fuelling tensions. However, the Assembly calls for vigilance and constitutional intervention when demonstrations are used as venues for calls for the extermination of Jews or to trivialise the Shoah.

14. As regards its own activities, the Assembly:

14.1. encourages the members of the Knesset and the Palestinian National Council to continue to engage in the work of the Assembly, in particular in the framework of the Sub-Committee on the Middle East and the Arab World, using the Assembly's unique position of having both an Israeli observer delegation and a Palestinian partner for democracy delegation;

14.2. will step up its efforts to promote dialogue between the Knesset, the Palestinian National Council and parliaments of Council of Europe member States;

14.3. will seek to intensify its relations with parliaments and institutions in the region;

14.4. should continue to follow the situation in the Middle East and, in particular, the progress of the Israeli-Palestinian peace process and the situation of human rights, democracy and the rule of law in the region.





**Resolution 2525 (2024)<sup>1</sup>**

Provisional version

## **The theme of migration and asylum in election campaigns and the consequences on the welcoming and rights of migrants**

Parliamentary Assembly

1. The Reykjavík Declaration adopted at the Fourth Summit of Heads of State and Government of the Council of Europe reiterated the Organisation's principles in the face of the numerous challenges to human rights, the rule of law and peace in Europe, including democratic backsliding, violations of freedom of expression and the proliferation of hate speech. The Parliamentary Assembly considers that the treatment of the theme of migration and asylum lies at the intersection of those many challenges.
2. Considering that elections are milestone events that shape democracy, the Assembly is concerned at the intensification of a partial and biased treatment of the issue of migration and asylum in election campaigns which legitimise political proposals aimed at blocking access to rights of migrants, refugees and asylum seekers, in contravention of the Council of Europe's standards.
3. The Assembly acknowledges the importance of ensuring that pluralist and even diverging opinions on the theme of migration and asylum may be expressed during election campaigns. It firmly underlines however that hate speech and discriminatory measures cannot be part of a political programme which meets the Council of Europe's principles and standards and calls on governments of member States as well as key actors in the shaping and dissemination of electoral propaganda to implement [Recommendation CM/Rec\(2022\)16](#) of the Committee of Ministers on combating hate speech. The Assembly stresses that strong leadership is urgently needed to put an end to the instrumentalisation of the theme of migration and asylum for electoral gains, and to allow for this topic to be addressed in a balanced fashion, taking into account all the challenges at stake.
4. The Assembly recalls that the theme of migration and asylum cannot be limited to security matters and urgently calls politicians and the media to weigh up the consequences that such restricted views may bring to social cohesion and public order. It expresses its profound concern at the escalation of verbal and physical attacks on people of foreign origin or perceived as such, in particular on racialised persons and members of religious minorities, which is resulting from that process. In particular, the Assembly reiterates the concerns expressed in its [Resolution 2457\(2022\)](#) "Raising awareness of and countering Islamophobia, or anti-Muslim racism, in Europe".
5. The Assembly emphasises that the normalisation of such viewpoints is accompanied by a rise in intolerance towards individuals (rights defenders, elected representatives, journalists) and institutions (universities, media outlets) favourable to the reception and the inclusion of migrants, refugees and asylum seekers. It calls for manifestations of such intolerance to be sanctioned, in particular when taking the form of restrictions to fundamental freedoms, including freedom of assembly and association, of expression, and of the press, or of attacks against the physical or moral integrity of individuals.

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1. *Assembly debate* on 23 January 2024 (3rd sitting) (see [Doc. 15832](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Pierre-Alain Fridez; and [Doc. 15888](#), opinion of the Committee on Political Affairs and Democracy, rapporteur: Mr Tural Ganjaliyev). *Text adopted by the Assembly* on 23 January 2024 (3rd sitting).



6. Recalling [Recommendation Rec\(97\)20](#) of the Committee of Ministers to member States on “hate speech” according to which hate speech and intolerance “undermine democratic security, cultural cohesion and pluralism”, the Assembly:

6.1. reiterates the importance for all member States to ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177);

6.2. commends the work of the European Commission against Racism and Intolerance (ECRI) and calls on member States to harmonise their legal frameworks in accordance with ECRI's [General Policy Recommendation No.15 on Combating Hate Speech](#);

6.3. urges member States to strengthen action to protect political debates against foreign interference and manipulation, especially during electoral campaigns, and when this is aimed at spreading hatred and xenophobic discourses.

7. Recalling recommendations to public officials, elected bodies and political parties in [Recommendation CM/Rec\(2022\)16](#), and recalling [Resolution 1546 \(2007\)](#) “The code of good practice for political parties”, [Resolution 1889 \(2012\)](#) “The portrayal of migrants and refugees during election campaigns” and [Resolution 2275 \(2019\)](#) “The role and responsibilities of political leaders in combating hate speech and intolerance”, the Assembly:

7.1. considers that migrants, refugees and asylum seekers are an integral part of European societies and calls on political parties and on the media to reflect this reality in a constructive manner. It reiterates its support to under-represented groups, especially migrants, in the electoral process, as candidates and voters;

7.2. stresses, as emphasised by the Committee of Ministers in [Recommendation CM/Rec\(2022\)10](#) on multilevel policies and governance for intercultural integration, the need for a “strategic and coherent approach across all levels of government to ensure policy effectiveness and sustainability in the field of migrant integration and inclusion and (...) to foster a common pluralistic sense of belonging through valuing diversity and building social trust, community cohesion and meaningful interaction between people across their different socio-cultural backgrounds”;

7.3. recalls the obligation and moral responsibility incumbent upon politicians not to use hate speech or stigmatising language, and to immediately and unambiguously condemn their use by others; reiterates its call on political parties to adopt self-regulation instruments which prohibit and sanction the use of hate speech by their members;

7.4. recalls that the rule of law, democracy and human rights are the core principles of European constitutional heritage and calls on European political parties to comply with the Code of Good Practice in the field of Political Parties ([CDL-AD\(2009\)021](#)) which states that “[p]olitical parties should not act against the values of the ECHR and the principle of equality”;

7.5. invites European political parties to endorse the [Charter of European political parties for a non-racist and inclusive society](#) in its revised version adopted in 2022;

7.6. in line with [Recommendation 799 \(1977\)](#) “Political rights and position of aliens”, noting that this right is already acquired for European citizens within the European Union, recommends that the restrictions authorised by Article 16 of the European Convention on Human Rights (ETS No. 5) regarding political activities of foreigners be lifted. In particular, and in line with the [Guidelines on political party regulation of the European Commission for Democracy through Law \(Venice Commission\)](#) and the [Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe \(OSCE/ODIHR\)](#), the Assembly encourages that party membership be opened to migrants legally residing in Europe so that they may participate in the selection of party representatives and stand as candidates in local elections;

7.7. recalls the importance of the [Convention on the Participation of Foreigners in Public Life at Local Level \(ETS No. 144\)](#) adopted in 1992, which is applicable to people legally residing on European territory, and which asserts that “the residence of foreigners on the national territory is now a permanent feature of European societies”, and invites member States which are not party to the text to sign it without further delay;

7.8. commends the adoption by the Congress of Local and Regional Authorities of the Council of Europe of [Resolution 431\(2018\)](#) and of [Recommendation 419\(2018\)](#) “Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe’s municipalities and

regions”, commends the work of the Committee of Experts on intercultural integration of migrants which assists the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), and calls for reinforced co-operation between the Assembly, the CDADI and the Congress on such matters.

8. In line with the commitments taken by the Committee of Ministers in [Recommendation CM/Rec\(2022\)16](#), the Assembly commits to playing a full role in promoting the Council of Europe’s instruments and standards and:

8.1. strongly encourages the Council for Democratic Elections and the Venice Commission to develop a code of conduct for electoral candidates and/or for the media to combat narratives which run counter to the European Court of Human Rights case law on freedom of expression and the prohibition of hate speech. Such initiative would provide a response to the recurring problems during electoral processes underlined in the Report on electoral law and electoral administration in Europe ([CDL-AD\(2020\)023](#)), in particular the issue of negative campaign and hate speech, and debated during electoral campaigns during the 17th European Conference on Electoral Management Bodies;

8.2. asks the No Hate Parliamentary Alliance to consider examining the question of the treatment of migration and asylum during election campaigns, within its activities;

8.3. invites the Assembly’s election observation missions to monitor and report on, especially during their pre-electoral missions, the use of hate speech, including subtle hate speech, in the framework of the online and offline electoral campaign debate in the observed country;

8.4. undertakes to promote, throughout its different activities and among the European political formations concerned, ECRI’s General Policy Recommendations, in particular [General Policy Recommendation N°15 on Combating Hate Speech](#) and [General Policy Recommendation N°16 on safeguarding irregularly present migrants from discrimination](#) as well as the revised Charter of European political parties for a non-racist and inclusive society;

8.5. calls for regular consultations, on a formal footing, between the Assembly, the Congress of Local and Regional Authorities, the CDADI, ECRI and the International Non-Governmental Organisations (INGO) Conference with a view to looking at how migration and asylum questions are treated in election campaigns, in the wider context of the integration of migrants, refugees and asylum seekers, and to aligning standards and initiatives in this area through the promotion of training tools designed for electoral management bodies and focusing on the Council of Europe’s standards on the fight against hate speech. The Assembly stresses the importance of involving the Special Representative of the Secretary General on Migration and Refugees in such a process, particularly in the context of her fact-finding missions and of the implementation of the Council of Europe [Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe \(2021-2025\)](#), in particular its pillar dedicated to fostering democratic participation and enhancing inclusion (human rights and democracy).

9. The Assembly reiterates the recommendation made in [Resolution 2504 \(2023\)](#) “Health and social protection of undocumented workers or those in an irregular situation” that the restriction of the personal scope of application of the European Social Charter (ETS No. 35) be removed.

10. The Assembly recommends that the parliaments of member States:

10.1. reflect on concerns and consider recommendations issued in [Resolution 2317\(2020\)](#) “Threats to media freedom and journalists’ security in Europe” and in [Resolution 1889\(2012\)](#) above-mentioned;

10.2. recognise, in a self-regulation instrument, the seriousness of hate speech, including covert hate speech, and provide for effective mechanisms for reporting and taking action against such statements. The Assembly recommends that national human rights institutions be involved in this process;

10.3. work towards adopting a definition of hate speech to be enshrined into civil or criminal law or amending such definition, and facilitate the examination of legal action against it in line with ECRI’s General Policy Recommendation No.15. The Assembly recommends that national human rights institutions be also involved in this process;

10.4. work towards the amendment of electoral legislation in force so that electoral management bodies or any other competent entity be recognised as monitoring bodies empowered to seize the competent authority in case of hate speech by a candidate during an electoral campaign. The Assembly recommends also to work towards the development of administrative mechanisms to tackle the use of such narratives and to sanction them according to an equal, fair and swift procedure;

10.5. support the independence and financial capability of authorities regulating public media;



- 10.6. request information reports from the competent parliamentary committees on the participation of migrants, refugees and asylum seekers in local public life;
- 10.7. take into account, prior to and following the adoption of policy reforms on migration and asylum, the analyses and feedback on good practices from civil society organisations, academics, and official human rights bodies competent at national and European levels.
11. In line with [Recommendation CM/Rec\(2022\)16](#), the Assembly recommends that press groups and media outlets:
  - 11.1. join and support self-regulation bodies, including private media and online media;
  - 11.2. make it easier for migrants, refugees and asylum seekers to express their views in contents relating to them;
  - 11.3. always clearly contextualise commentaries on the theme of migration and asylum and systematically rectify incorrect reporting;
  - 11.4. exercise a “media conscience clause”, declining to relay statements or contents that are anti-democratic or against freedoms.
12. Regarding civil society organisations and associations, the Assembly:
  - 12.1. commends the commitment of the INGO Conference of the Council of Europe to a holistic approach on migration as stated in [Recommendation CONF/AG\(2023\)REC2](#) “For a Global Approach of the Rights of Refugees and Migrants and the Role of Civil Society”, and encourages the Conference to promote the registration of migrant-led initiatives, including those founded by refugees and asylum seekers, and to facilitate their representation in the Conference;
  - 12.2. recommends that civil society organisations, including those founded by migrants, refugees and asylum seekers, actively communicate with political parties and with the media so as to share views and, where appropriate, recommendations on policies ahead of and during electoral campaigns;
  - 12.3. encourages research institutes to pursue the wide dissemination of their work on migration and asylum and encourages them to engage politicians by inviting them to public debates on the theme of migration and asylum.
13. In light of the various issues raised in this resolution, the Assembly favours the development of a parliamentary co-operation project which will engage national parliaments on the role of political parties as guarantors of democratic security in Europe, in formulating a pluralistic political offer on the theme of migration and asylum in full respect of the norms and values of the Council of Europe.
14. The Assembly calls for reinforced pan-European co-operation against hate speech and discrimination covering *inter alia* the treatment of migration and asylum during election campaigns. Such co-operation could involve the Organisation’s competent entities and its partners such as the Fundamental Rights Agency of the European Union (FRA), the European Network of National Human Rights Institutions (ENNHRI), the European Network of Equality Bodies (EQUINET) and the OSCE/ODIHR.





**Resolution 2526 (2024)<sup>1</sup>**

Provisional version

## **Globalisation in times of crisis and war: the role of the OECD since the Russian Federation's aggression against Ukraine**

Parliamentary Assembly

1. The Parliamentary Assembly of the Council of Europe, enlarged to include the delegations of the national parliaments of the Organisation for Economic Co-operation and Development (OECD) member States that are not members of the Council of Europe and a delegation from the European Parliament, is a unique platform for parliamentary scrutiny of OECD activities. Every two years, it holds the enlarged Assembly debates focusing on specific themes, defined in collaboration with the OECD.
2. The last enlarged Assembly debate held in April 2021 focused on “Fighting fiscal injustice: the work of the OECD on taxation of digital economy”. [Resolution 2370 \(2021\)](#) underlined that fair and redistributive taxation, was both an essential tool for governments to raise the funds necessary for the proper functioning of public services and a fundamental anchor for democracy, and commented on the role of the OECD in this field and its work on the Inclusive Framework on Base Erosion and Profit Shifting (BEPS) which were instrumental in reaching global consensus on how to make the international tax system fairer and more stable. The enlarged Assembly welcomes the steps taken towards implementing the global minimum tax by 2025 and encourages the OECD to persevere in completing the set of measures foreseen under the two-pillar solution together with its efforts to build tax capacity in developing countries.
3. This time, the enlarged Assembly focuses on the ways in which the new global context resulting, *inter alia*, from shocks provoked by the Covid-19 pandemic and the Russian Federation's war of aggression against Ukraine, has affected the already existing negative trends in globalisation, and the role that the OECD can play to mitigate them. Worries about trade dependencies and supply disruptions are not new, but current public debates put them in the spotlight, particularly as global economic and geopolitical outlooks are worsening. They have recently resulted in another wave of calls for “slowbalisation”, “deglobalisation”, “friendshoring”, “nearshoring”, creation of “trading blocks” or “relocalisation”. Tensions between the USA and China on broader geopolitical issues raised also the spectrum of “decoupling” of the two world's biggest economies. Even the perspective of eventual US-EU trade wars was discussed, in the aftermath of the US Inflation Reduction Act (IRA), which came into effect on 1 January 2023.
4. The enlarged Assembly notes with interest the OECD's statement on the occasion of the 2023 OECD Ministerial Council Meeting, under the theme: “Securing a Resilient Future: Shared Values and Global Partnerships”. On this occasion, OECD member States reaffirmed the following: “our like-minded community remains committed to the shared values of individual liberty, democracy, the rule of law, human rights, gender equality, environmental sustainability and tackling inequalities, as set out in our 2021 Vision Statement; as well as diversity and inclusion. ... We reaffirm the importance of multilateralism and standing united in addressing global challenges, and in reaching out beyond our current membership to enhance and develop global partnerships. ... We value the OECD's role in promoting free and fair trade, investment, and supply chain resilience, as set out in the new OECD trade strategy; and facilitating international co-operation to counter attempts to undermine open, market-based economic systems.”

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1. *Assembly debate* on 24 January 2024 (4th sitting) (see [Doc. 15868](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr George Katrougalos; and [Doc. 15887](#), opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Liliana Tanguy). *Text adopted by the Assembly* on 24 January 2024 (4th sitting).



5. The enlarged Assembly is worried that, according to the OECD, in the wake of the Covid-19 pandemic, the Russian Federation's war of aggression against Ukraine, and the related energy and cost-of-living crisis, most OECD countries were grappling with fiscal deficits, elevated public debt levels and a subdued outlook for economic growth. In 2022, across the OECD as a whole, the total general government spending was estimated to be close to 43% of GDP, about 2.5% higher than the 2017-19 average. The public debt/GDP ratio is estimated to have increased by almost 6% over the same period. The recent increases in public sector wages and welfare benefits to reflect high inflation introduced further pressure on public spending. Medium and longer-term trends such as population ageing and the rising relative price of services will continue to put additional pressure on government spending on pensions, public health, and long-term care.

6. The enlarged Assembly is further worried that the compounding effects of the Covid-19 pandemic, global conflicts, the climate crisis, and rising inequalities have reversed global progress on poverty reduction. The number of people living in extreme poverty, which had markedly fallen for almost 25 years, is now on the rise. In 2020, 700 million people were living in extreme poverty and nearly half of the world was living with less than US\$6.85 a day. With a full-scale military invasion of the sovereign territory of Ukraine and the destruction of traditional food supply chains, the Russian Federation has put at least 70 million people worldwide on the brink of starvation. The Human Development Index value is declining for the first time on record, with 9 out of 10 countries globally registering a backslide in health, education, and standard of living. In this framework, democracies are under unprecedented levels of pressure from within and without. The polarisation of political discourse, geopolitical tensions, rising inequalities, public health and economic crises, and creeping foreign interference in democratic processes – all also fuelled by mis- and disinformation – have tested citizens' trust in public institutions and are driving many governments to strengthen and protect democratic values and processes. The enlarged Assembly urges the OECD to put forward strong policy measures to help its member States and developing countries reverse the backslide in poverty reduction and human development.

7. Inflation pressures emerged in nearly all OECD economies at an unusually early stage during the recovery from the pandemic in 2021, pushed up by supply bottlenecks and a rapid rebound in the demand for goods. With the Russian Federation's war of aggression against Ukraine in February 2022 disrupting food and energy markets and the Russian Federation intentionally weaponising food and energy supplies, inflation around the globe has increased to levels that many economies had not experienced since the 1970s. High inflation has generated a cost-of-living crisis, eroding households' real disposable income and living standards and slowing consumer spending growth, with strong distributional effects. Low-income households and rural households are typically hit the hardest by higher food and energy prices given the composition of their spending. Nominal wages have not kept up with inflation and real wages have declined in virtually every OECD country. The Covid-19 crisis affected the economic well-being of vulnerable groups, such as youth and children from disadvantaged households, much more than other groups. Low-skilled workers and low-income families are also more likely to be hit in the current environment of high inflation, economic slowdown and the Russian Federation's war of aggression against Ukraine.

8. In this framework, the enlarged Assembly recalls its [Resolution 1899 \(2012\)](#) "The activities of the Organisation for Economic Co-operation and Development (OECD) in 2011-2012", where it noted the urgent need for policies which promote cohesion of our societies and tackle social inequalities, in line with the suggestions of the International Labour Office (ILO), *inter alia* in the fields of youth employment, education, public health, training and adequate pensions. The enlarged Assembly once more urges the OECD to intensify its work in these areas and to seek synergies with relevant international partners, notably the European Union and the ILO in order to improve public response on fiscal, labour and social challenges. In the medium to longer term, governments would need budget frameworks to ensure fiscally responsible spending levels, by reallocating resources from low-valued areas to those where they are most socially needed, as encapsulated in the OECD Spending Better Framework.

9. The enlarged Assembly notes that in 2021, the inaugural OECD Trust Survey of 22 OECD countries found that four in ten respondents trusted and four did not trust their national government. Fewer than one-third of respondents, cross-nationally, thought the political system in their country allowed them to have a say in government decision making, and a similar share believed that the government would adopt opinions expressed in a public consultation. Younger people, those with lower levels of education and lower incomes on average trust government less than other groups do. These trends demonstrate the need for OECD countries to reinforce their democratic governance systems, through measures that strengthen citizens' participation in the political process and confront the spread of mis- and disinformation, which can discourage democratic engagement, distort policy debates, and undermine societal resilience. In this vein, the enlarged Assembly welcomes the OECD Declaration on Building Trust and Reinforcing Democracy, adopted by Ministers in November 2022 during the OECD Public Governance Ministerial meeting, which includes

commitments and actions to strengthen trust and democracy. It also welcomes the biennial OECD Trust Survey, which monitors public perceptions of competence and values of public institutions and their relationship with levels of trust in the country.

10. The enlarged Assembly is also extremely worried that, in view of the current extreme poverty rise trend referred to in paragraph 6 above, a projected 575 million people will still be living in extreme poverty and only one-third of countries will have halved their national poverty levels by 2030, pushing the UN's Sustainable Development Goal (SDG) 1 to "end poverty in all its forms everywhere" out of reach. As low- and middle-income countries simultaneously face growing financing needs, spiralling debt and declining available financing for sustainable development, notably in terms of government revenues, their SDG financing gap reached US\$3.9 trillion in 2020, a 56% jump from 2019. In this framework, the Community of Practice on Poverty and Inequalities (CoP-PI) of the Development Assistance Committee (DAC), a platform developed by OECD to support DAC members in maximising their development co-operation's focus is a useful tool. The enlarged Assembly urges the international community and especially Council of Europe member States to strengthen international assistance and solidarity, ensuring that support for short-term crises is coupled with a maintained focus and accelerated progress in pursuit of long-term development goals and a fairer global economic order, particularly in support of the world's poorest and most vulnerable countries.

11. In the same vein, the enlarged Assembly notes that the slowdown of international migration witnessed during the Covid-19 pandemic has been reversed, due to a strong bounce back in economic and administrative activity, the re-opening of borders and the Russian Federation's war of aggression against Ukraine, which triggered a refugee and humanitarian crisis at a scale unforeseen in Europe since the Second World War. There are also concerns that climate change could spur large-scale movements of people. According to some projections, natural disasters will displace hundreds of millions of people in the coming decades. The impact of climate change on human mobility is difficult to isolate. Climate change is only one of several, often compounded, factors that influence migration and displacement, which include declining or volatile agricultural incomes, shrinking livelihoods, conflicts over natural resources, and rising food insecurity.

12. Alongside the natural disasters, the enlarged Assembly is also concerned about man-made disasters, such as the deliberate destruction of the Kakhovka Dam by the Russian Federation on 6 June 2023. This risks causing extensive damage to the ecosystem, threatens food security, and leads to the displacement of hundreds of thousands of people.

13. The polycrises of the last years have forced the re-examination of climate policy design and implementation, bringing new challenges as well as opportunities. Climate change mitigation will require a fundamental, massive and rapid transformation of our economies and energy supply. Strong policies to reduce emissions, improved technologies and large-scale investment will be crucial. The substantial changes implied by a resilient transition to net-zero emissions cannot be seen in isolation from rapidly changing wider circumstances – socially, economically and environmentally. Holistic policies should serve simultaneously the environment and social justice.

14. However, the enlarged Assembly notes that increased long-term climate ambition has not been met with commensurate credible action in the short term. A rapid acceleration in action is still needed if climate goals are to be reached. Avoiding the worst impacts of climate change means reducing emissions globally by 45% from 2010 levels by 2030, and to net-zero emissions by 2050, according to the Intergovernmental Panel on Climate Change (IPCC). The urgency of the climate crisis is amplified by the growing risks of crossing climate tipping points. At a certain level of warming, these elements of the global climate system may pass points of no return that would result in irreversible and often abrupt changes to our environment including potentially severe regional or local hazards. The enlarged Assembly fully supports initiatives such as the Inclusive Forum on Carbon Mitigation Approaches, a recent OECD initiative designed to reduce carbon emissions through better data and information sharing, evidence-based mutual learning and inclusive multilateral dialogue. Especially useful are also the OECD's other two flagship initiatives on climate and economic resilience, the "Net Zero+" project and the International Programme for Action on Climate. The enlarged Assembly welcomes the OECD's firm commitment to the fight against climate change and poverty by hosting the Secretariat of the Paris Pact for People and Planet, which will be responsible for implementing the ambitious roadmap drawn up at the Summit for a New Global Financial Pact in Paris in June 2023. The enormous damage caused to the environment as a result of the war of aggression of the Russian Federation against Ukraine also requires the creation of an international mechanism for providing compensation and holding the aggressor accountable for the damage caused to the environment. The Register of Damage created under the auspices by the Council of Europe should become one of the key elements of this mechanism.

15. In this context, the enlarged Assembly stresses the need for States and enterprises to recommit towards the achievement of the SDGs. It welcomes the 2023 edition of the OECD Guidelines for multinational enterprises on responsible business conduct, in particular as regards enhanced environmental and social responsibility and due diligence in gathering and using personal data. The enlarged Assembly commends the OECD for its work in this area and encourages it to further co-operate with relevant actors in order to strengthen business compliance with the appropriate national norms and international standards.

16. The 2021 enlarged Assembly debate found the role of the OECD to be instrumental in facilitating discussions and providing solutions in complex multinational negotiations on fiscal justice. So far, the delineation of policies in two pillars, the programme of work, the January 2020 statement as well as the latest economic impact assessment of the tax challenges arising from digitalisation, published in October 2020, and the Cover Statement by the OECD/G20 Inclusive Framework on BEPS on Pillar One and Pillar Two Blueprints have provided a concrete basis for discussion. The enlarged Assembly considers that maintaining momentum and finding solutions to the remaining issues through the Inclusive Framework is paramount for all countries and institutions involved in the process. As already stated in [Resolution 2370 \(2021\)](#), the absence of implementation of the two-pillar solution would put the world at a greater risk of a proliferation of unco-ordinated and unilateral tax measures (such as digital services taxes) and could result in an increase in damaging tax and trade disputes.

17. The enlarged Assembly considers it essential that the community of OECD member countries and accession candidate countries remains committed to shared values, as reiterated in the 2023 Ministerial Council Statement, as well as to multilateralism and unity in addressing global challenges. On the basis of the co-operation agreement between the OECD and the Council of Europe, the two organisations should continue working together in the field of artificial intelligence. In this connection, the enlarged Assembly welcomes the fact that the OECD hosts the Secretariat of the Global Partnership on Artificial Intelligence (AI) based on the human rights and democratic values shared by its members. The role of collaborating institutions, such as the Council of Europe, should be to support building consensus amongst its members, while offering a helping hand in bridging diplomatic divides. The enlarged Assembly also invites the OECD to provide the participants of the enlarged debate, between now and the next debate, with information regarding its policy initiatives on the issues to which this resolution refers. Holistic policies taking account not only of fiscal and economic challenges but of all aspects of countries' realities and aspirations for development, including environmental challenges, labour and social policies, hold the key for an efficient response, with a focus on leaving no-one behind. The enlarged Assembly underlines the importance of ensuring the indivisibility of rights and encourages the OECD to build its policy advice to member countries on this basis, in particular as regards measures needed to guarantee economic and social rights and protect the right to a safe, clean, healthy and sustainable environment.

18. The enlarged Assembly welcomes the two new members of the OECD, Colombia and Costa Rica. It decides that twelve seats and votes will be allocated to the delegation of Colombia, and four seats and votes will be allocated to the delegation of Costa Rica, to participate in the debates of the enlarged Assembly.

19. The enlarged Assembly reiterates its belief that full respect for democracy, human rights and the rule of law, including international law, should constitute an essential criterion for judging whether a candidate country should be invited to join the OECD. In this context, it welcomes the adoption of Accession Roadmaps for candidate countries to OECD membership: Brazil, Bulgaria, Croatia, Peru and Romania, as well as the opening of an initial accession dialogue with Ukraine, which has made an application to join the OECD. The enlarged Assembly encourages the OECD to continue further enlargement and to invite countries meeting membership criteria to accession negotiations.

20. The enlarged Assembly also welcomes the OECD's increased global outreach, including its close work with some of the world's largest economies: Brazil, China, India, Indonesia, and South Africa, who are OECD key partners, and its collaboration with many other countries at a regional level, notably through regional initiatives, covering Africa, Eurasia, the Middle East and North Africa, Latin America and the Caribbean, Southeast Asia and South East Europe.

21. Lastly, the enlarged Assembly resolves to amend the Rules of Procedure for enlarged debates of the Parliamentary Assembly on the activities of the OECD (see appendix) to take account of the OECD enlargement, as well as various changes in the Parliamentary Assembly Rules of Procedure.

**Appendix – Modification of the Rules of Procedure for enlarged debates of the Parliamentary Assembly on the activities of the OECD**

1. The Rules of Procedure for enlarged debates of the Parliamentary Assembly on the activities of the OECD are modified as follows:

1.1. in Section I on “General Principles”, replace paragraph 2 with the following paragraph:

*“These debates shall be public and shall usually take place every two years on the occasion of a part-session of the Parliamentary Assembly. These debates shall be based on a report presented by the Committee on Political Affairs and Democracy and focused on specific themes to be defined by the rapporteur in collaboration with the OECD.”*

1.2. in Section II on “Participants”, paragraph 2, replace the words “Appendix 1” with the word “Appendix”.

1.3. in Section V on “Right to speak”, replace paragraph 5 with the following paragraph:

*“Speakers in a debate may speak for not more than 3 minutes. The rapporteur shall have 10 minutes to introduce the report and to reply to the debate. However, if circumstances so require, the occupant of the Chair may reduce these speaking times.”*

1.4. in Section IX on “Procedure in committee and examination of the report in reply to the OECD activity report”, replace paragraph 2 with the following paragraph:

*“At meetings of the Parliamentary Assembly committee in question, delegations of the national parliaments of the OECD member States which are not members of the Council of Europe shall be allocated the following number of votes:*

- Japan, Mexico and United States of America: 4 votes*
- Canada, Colombia and Republic of Korea: 3 votes*
- Australia and Chile: 2 votes*
- Costa Rica, Israel and New Zealand: 1 vote.*

1.5. in Appendix “Apportionment of seats and votes”, replace paragraph 2 with the following paragraph:

*“The Parliaments of the following States shall have the number of seats and votes specified below (maximum 18):*

- Australia 8*
- Canada 12*
- Chile 7*
- Colombia 12*
- Costa Rica 4*
- Israel 3*
- Japan 18*
- Republic of Korea 12*
- Mexico 18*
- New Zealand 4*
- United States of America 18»*





## Resolution 2527 (2024)<sup>1</sup>

Provisional version

# Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan

Parliamentary Assembly

1. The Parliamentary Assembly recalls that by acceding to the Council of Europe on 25 January 2001, the Republic of Azerbaijan has agreed to honour several specific commitments listed in Assembly [Opinion 222 \(2000\)](#), as well as the obligations incumbent on all member States under Article 3 of the Statute of the Council of Europe (ETS No. 1): compliance with the principles of pluralist democracy and the rule of law as well as respect for human rights and fundamental freedoms of all persons placed under its jurisdiction.
2. The Assembly deplores that more than 20 years after joining the Council of Europe, Azerbaijan has not fulfilled major commitments stemming therefrom. Very serious concerns remain as to its ability to conduct free and fair elections, the separation of powers, the weakness of its legislature vis-à-vis the executive, the independence of the judiciary and respect for human rights, as illustrated by numerous judgments of the European Court of Human Rights and opinions of the European Commission for Democracy through Law (Venice Commission).
3. In this context, the Assembly recalls its [Resolution 2184 \(2017\)](#) “The functioning of democratic institutions in Azerbaijan”, [Resolution 2185 \(2017\)](#) “Azerbaijan’s Chairmanship of the Council of Europe: what follow-up on respect for human rights?”, [Resolution 2279 \(2019\)](#) “Laundromats: responding to new challenges in the international fight against organised crime, corruption and money laundering”, [Resolution 2322 \(2020\)](#) “Reported cases of political prisoners in Azerbaijan”, [Resolution 2362 \(2021\)](#) “Restrictions on NGO activities in Council of Europe member States”, [Resolution 2418 \(2022\)](#) “Alleged violations of the rights of LGBTI people in the Southern Caucasus”, [Resolution 2494 \(2023\)](#) “Implementation of judgments of the European Court of Human Rights”, [Resolution 2509 \(2023\)](#) “Transnational repression as a growing threat to the rule of law and human rights” and [Resolution 2513 \(2023\)](#) “Pegasus and similar spyware and secret state surveillance”. It also notes with concern that, according to the Council of Europe’s Platform to promote the protection of journalism and safety of journalists, at least 18 journalists and media actors are currently in detention.
4. Regarding the situation in Nagorno-Karabakh, the Assembly established the absence of a free and safe access through the Lachin Corridor in its [Resolution 2508 \(2023\)](#) “Ensuring free and safe access through the Lachin corridor” and was struck by the fact that Azerbaijan’s leadership did not acknowledge the very serious humanitarian and human rights consequences stemming from that situation, which lasted for nearly ten months. Moreover, in its [Resolution 2517 \(2023\)](#) and [Recommendation 2260 \(2023\)](#) “The humanitarian situation in Nagorno-Karabakh”, the Assembly condemned the Azerbaijani army’s military operation of September 2023, which led to the flight of the entire Armenian population of Nagorno-Karabakh to Armenia and to allegations of “ethnic cleansing”. The Assembly recalls that in [Resolution 2517 \(2023\)](#) it did not exclude challenging the credentials of the Azerbaijani delegation at its first part-session of 2024.

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1. *Assembly debate* on 24 January 2024 (4th sitting) (see [Doc. 15898](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Mogens Jensen); and [Doc. 15899](#), opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Ingrid Schie Schou). *Text adopted by the Assembly* on 24 January 2024 (4th sitting).





5. The Assembly also notes that on 5 December 2023 the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) adopted a report on the honouring of obligations and commitments by Azerbaijan and that this report will be examined by the Assembly after the snap presidential election in Azerbaijan, which is scheduled for 7 February 2024 and was called on 7 December 2023, shortly after the adoption of the said report.

6. Recalling its [Resolution 2322 \(2020\)](#) “Reported cases of political prisoners in Azerbaijan”, the Assembly is also concerned that rapporteurs of the Monitoring Committee were not allowed to meet with persons detained on allegedly politically motivated charges. Moreover, the Assembly strongly regrets that it has not been invited to observe the forthcoming presidential election despite Azerbaijan's obligation to send such an invitation as the country is under monitoring procedure. The Assembly considers these refusals as instances of “lack of co-operation in the Assembly's monitoring procedure” in the meaning of Rule 8.2.b of the Rules of Procedure of the Assembly. Furthermore, it condemns the Azerbaijani delegation's lack of cooperation with the rapporteur of the Committee on Legal Affairs and Human Rights on “Threats to life and safety of journalists and human rights defenders in Azerbaijan”, who has been refused to visit the country three times. It also deeply deplores that the rapporteur of the Committee on Migration, Refugees and Displaced Persons on “Ensuring free and safe access through the Lachin corridor” was not invited to Azerbaijan during his fact-finding visit to the region and was thus unable to travel to the Lachin Corridor.

7. Therefore, the Assembly resolves not to ratify the credentials of the delegation of Azerbaijan. The delegation may resume its activities in the Assembly when conditions provided by the Rules of Procedure are met.





**Resolution 2528 (2024)<sup>1</sup>**

Provisional version

## **Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe**

Parliamentary Assembly

1. The Parliamentary Assembly notes that the absolute prohibition of torture and other forms of ill-treatment has been codified in numerous universal, regional and national legal instruments, including constitutional norms. The prohibition is also recognised as part of customary international law, and as far as torture is concerned, as having attained *jus cogens* status. It is a norm from which no derogation is permitted, under any circumstances, including in time of war or other public emergency, or in the most difficult circumstances, such as the fight against terrorism. Moreover, it should be recalled that torture may also give rise to individual criminal responsibility for crimes against humanity, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

2. As recalled in the Reykjavík Declaration “United around our values” adopted by the Heads of State and Government at the 4th Council of Europe Summit (Reykjavík, 16-17 May 2023), the Council of Europe must ensure that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is upheld. Article 3 of the European Convention on Human Rights (ETS No. 5, “the Convention”), which contains an absolute prohibition of torture, inhuman or degrading treatment or punishment, enshrines one of the most fundamental values of democratic societies, according to the case law of the European Court of Human Rights (the “Court”). It is a value of civilisation closely bound up with respect for human dignity, which forms part of the very essence of the Convention. Persons in detention are in a vulnerable position and States are under a duty to protect their physical well-being and to account for any injuries suffered.

3. Recalling its [Resolution 2160 \(2017\)](#) “25 years of the CPT: achievements and areas for improvement”, the Assembly congratulates the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for its outstanding work which has led to significant improvements in the States Parties. While it is the duty of the States Parties to implement the recommendations of the CPT, the latter deserves the strongest political support from other bodies, including the Assembly itself and the Committee of Ministers. The Assembly will therefore continue to strengthen its dialogue with the CPT and reinforce its political support, by reacting appropriately to the CPT’s public statements and paying greater attention to its reports and recommendations.

4. The Assembly notes however that torture and ill-treatment continue today to be present in places of detention throughout the world, including in Council of Europe member States and State Parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126, “the CPT Convention”). There is a clear gap between the absolute prohibition of this egregious practice and the reality on the ground. The culture of impunity with regard to torture and ill-treatment allows State actors to repeatedly fall short of their international obligations. The Committee of Ministers, when supervising the execution of judgments of the Court, has regarded some cases concerning violations of Article 3 of the Convention against certain member States as raising long-standing structural problems and is therefore examining them under the so-called “enhanced supervision” procedure. In the past two years

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1. *Assembly debate* on 24 January 2024 (4th sitting) (see [Doc. 15880](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Constantinos Efstathiou). *Text adopted by the Assembly* on 24 January 2024 (4th sitting).



(2021-2022), the cases concerning ill-treatment by State agents and/or failure to investigate such allegations represented 12 % of all leading cases in this procedure, making it the biggest category of cases coming under such type of supervision.

5. The CPT, in the exercise of its mandate, continues to encounter cases of police ill-treatment in a number of States Parties, under various circumstances and involving different law enforcement agencies. It also continues to receive credible allegations of deliberate physical ill-treatment by prison staff in penitentiary establishments, often applied with a punitive purpose. In some cases, the alleged ill-treatment could be qualified as torture. The CPT has sometimes referred in its reports to the systemic or widespread nature of the problem, or to the existence of a pattern, with regard to certain States. This is particularly worrying and indicates that these States do not properly implement the CPT recommendations, repeatedly violate Article 3 of the Convention and do not take the appropriate general measures aimed at eliminating the underlying causes of the problem. Although many States have incorporated the Convention and the CPT standards in their legislation, the practical implementation of these safeguards remains problematic.

6. The Assembly is alarmed about credible reports suggesting that torture and other forms of ill-treatment tend to be systemic and/or widespread in States such as the Russian Federation, Azerbaijan and Türkiye.

6.1. With regard to the Russian Federation, the Assembly commends the work of the human rights organisation Gulagu.net which has published hundreds of videos and photos of torture and ill-treatment in Russian prisons, often leaked by former prisoners and prisoner employees, some of whom had to flee the Russian Federation for fear of persecution. It is particularly struck by the number and gravity of incidents of rape and other forms of ill-treatment of male inmates at a prison hospital in Saratov, a case which illustrates how videos of torture and rape were used by the federal penitentiary officers to blackmail prisoners or force them to become informal prison agents and even torture other prisoners themselves, a phenomenon known as “torture conveyors”. These revelations led to dismissals and criminal proceedings against some of the officials managing the relevant institutions, and the recognition by the authorities of the need for systemic measures to change the situation. It is also impossible to ignore the torture and inhuman treatment of Ukrainian civil and political prisoners and prisoners of war in Russian prisons and in other places of detention on the temporarily occupied Ukrainian territories.

6.2. The Assembly is also deeply concerned about reports concerning Azerbaijan. In particular, it has been reported that in the context of the “Terter cases” (torture of a group of military personnel and civilians by the Azerbaijani military), many of those detained in 2017 were subjected to torture and inhuman treatment, with 10 confirmed deaths as a result of that torture. Detainees were tortured with the purpose of extracting confessions of treason. The Assembly is appalled by the horrendous methods of torture reported: electric shocks, pulling out nails, waterboarding, blindfolding, removal of genitals, rape, threats of rape of family members, among others. While some of those detained and originally convicted have now been acquitted and released, others remain in prison. It has also been reported that no high-ranking officials have been held to account for the use of torture in these cases. Separate to the “Terter cases”, some reports indicate that torture and other forms of ill-treatment have been used against members of the political opposition, journalists and human rights defenders.

6.3. With regard to Türkiye, the Assembly is also concerned about reports indicating that despite the “zero tolerance” message given by the authorities, there has been a rise in the use of torture and ill-treatment in police custody and prison over the past years, overshadowing Türkiye’s earlier progress in this area. The Assembly welcomes recent decisions delivered by the Constitutional Court finding violations of the prohibition of ill-treatment and ordering new investigations into complaints and encourages other domestic courts to follow this case law.

7. The Assembly strongly condemns the systemic or widespread use of torture and other forms of ill-treatment in certain Council of Europe member States and the Russian Federation. It considers that this practice not only violates the absolute prohibition of Article 3 of the Convention but also undermines the rule of law, democracy and the fundamental values which the Council of Europe stands for. The Assembly is convinced that strengthened action is needed to prevent and eradicate torture and ill-treatment in places of detention in Europe in general, and to make it a torture-free zone. The culture of “zero tolerance” towards torture and ill-treatment needs to have specific content and must not be just a declaration of intent.

8. The Assembly therefore calls on member States and States Parties to the CPT Convention to:

8.1. review their national legislation to ensure that torture and other forms of ill-treatment are included as self-standing offences, in accordance with the definition provided for in international treaties and the case law of the Court, with proportionate and dissuasive sanctions;

- 8.2. abolish limitation periods for the crime of torture and other crimes of ill-treatment committed by law enforcement and other public officials;
- 8.3. guarantee access without barriers to fundamental procedural safeguards from the very outset of the deprivation of liberty, including the right of access to an independent lawyer, the right to have one's detention notified to a relative or another third person of one's choice, and the right to be examined by an independent doctor;
- 8.4. ensure appropriate record-keeping of the detention and police interviews and video-taping of all police interviews and interrogations. Video cameras should be introduced in interrogation rooms, detention facilities, police vehicles and as body worn video cameras. Uniformed police officers should always wear a clearly distinctive insignia and an identification number;
- 8.5. regulate the maximum duration and modalities of police interviews, through legislation, regulations or guidelines;
- 8.6. consider drawing inspiration from the model of investigative interviewing based on the principle "from the evidence to the suspect" rather than "from the suspect to the evidence";
- 8.7. ensure that evidence obtained through torture or ill-treatment is inadmissible in criminal proceedings;
- 8.8. put in place rigorous recruitment processes of law enforcement officials and prison staff based on strict selection criteria, provide adequate remuneration, initial and continuous training on human rights standards and prevention of torture and ill-treatment, and elaborate clear codes of conduct;
- 8.9. increase and reinforce prison staff in order to prevent reliance on "duty prisoners" or informal power structures among inmates;
- 8.10. set up reporting procedures and measures to encourage and protect whistle-blowers for cases of ill-treatment by the police or in the prison context;
- 8.11. ensure that independent prosecuting and judicial authorities thoroughly examine and investigate all arguable complaints of ill-treatment against law enforcement officials and prison staff and, where appropriate, impose adequate penalties on perpetrators, in line with the relevant procedural obligations imposed by Article 3 of the Convention, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights;
- 8.12. take all appropriate measures to establish accessible and effective remedies or mechanisms which ensure that victims of torture and ill-treatment receive prompt and adequate reparation. This may include measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- 8.13. transmit at the highest political level, but also at the management level of law enforcement agencies and penitentiary establishments, a "zero tolerance" message towards torture and ill-treatment;
- 8.14. ratify, if they have not yet done so, the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT) and set up independent and effective national preventive mechanisms, with unconditional access to all places of deprivation of liberty and sufficient resources;
- 8.15. co-operate fully with international bodies which monitor compliance with the prohibition of torture and ill-treatment, such as the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other relevant treaty bodies;
- 8.16. speedily implement the CPT recommendations concerning their country and execute, as a matter of urgency, the judgments of the Court finding violations of Article 3 of the Convention in relation to torture and inhuman or degrading treatment inflicted in places of detention, by taking the appropriate individual and general measures under the supervision of the Committee of Ministers;
- 8.17. give careful consideration to requests for asylum from whistle-blowers and human rights defenders who revealed or denounced the use of torture and ill-treatment in their countries and had to flee abroad in order to avoid persecution;
- 8.18. co-operate with the Council of Europe Development Bank to contribute to the implementation of and possible financial support for prison infrastructure reform projects in member States that are aimed at preventing inhuman or degrading treatment inflicted in places of detention and fulfilling relevant CPT recommendations.

9. The Assembly urges States which have been found to practice severe physical ill-treatment including torture in places of detention on a systemic or widespread scale, in particular the Russian Federation, Azerbaijan and Türkiye, to address the root causes of the problem, to introduce systemic changes aimed at eliminating abusive and unlawful practices, and to ensure accountability, including in terms of criminal and civil liability, of individual perpetrators, high-ranking officials, and State bodies, for practising or tolerating torture and ill-treatment. In particular, it urges:

9.1. the Russian Federation to ensure that all perpetrators, high-ranking officials and State bodies responsible for the use of torture in prisons, particularly the phenomenon known as “torture conveyors”, are held to account, and that all victims receive adequate reparation;

9.2. Azerbaijan to ensure that all perpetrators, high-ranking officials and State bodies responsible for the use of torture in the so-called “Terter cases” are held to account, and that all victims are compensated and rehabilitated, including through the quashing of convictions based on confessions obtained through torture and through their release.

10. With regard to the CPT, the Assembly calls on States Parties to the CPT Convention to:

10.1. agree in advance to the automatic publication of all CPT visit reports, as many States have done already; authorise the publication of past CPT visit reports, if they have not yet done so. This applies in particular to Azerbaijan, Türkiye and the Russian Federation;

10.2. co-operate fully with the CPT in the organisation of upcoming visits and ensure the follow-up of CPT recommendations, including through the active engagement of national parliaments, in accordance with [Resolution 2160 \(2017\)](#).

11. The Assembly invites the CPT and the Court to indicate more explicitly in their reports and judgments whenever practices of torture and ill-treatment are found to be of a systemic or structural nature in the country concerned. There should be a more timely and co-ordinated action between all Council of Europe bodies, including the Court, the CPT, the Commissioner for Human Rights and the Assembly, to address emerging problems of systemic torture in particular countries, with a view to providing early warning and assistance. In this context, the Assembly invites its Committee on Legal Affairs and Human Rights to hold exchanges of views with national delegations of countries which have been found to have systemic or structural problems related to torture or ill-treatment, on the basis of CPT reports and Court judgments.



## Resolution 2529 (2024)<sup>1</sup>

Provisional version

# Situation of the children of Ukraine

Parliamentary Assembly

1. Recalling its [Resolution 2495 \(2023\)](#) “Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators”, the Parliamentary Assembly firmly reiterates its condemnation of the full-scale war of aggression being waged by the Russian Federation against Ukraine and the massive violations of the rights of Ukrainian children, who are particularly vulnerable victims of this war. Children should never be used as means of exerting pressure, or as war trophies.
2. No child in Ukraine has been spared by the war, and the Assembly emphasises that all Ukrainian children have the right to enjoy the rights and freedoms enshrined in relevant international human rights instruments and that the rights and best interests of the child must prevail in all decision making concerning them.
3. The Assembly expresses its gratitude to the member States of the Council of Europe that have put in place good conditions to welcome Ukrainian children, some benefiting from the temporary protection system granted by the European Union countries.
4. The Assembly emphasises the essential need for these children to receive education and healthcare, including mental health support, that are tailored to their specific situation, to maintain their connections with their language and culture, which will facilitate their future return to Ukraine, taking into account the best interests of the child.
5. In this regard, the Assembly supports the Council of Europe Consultation Group on the Children of Ukraine and stands ready to fully co-operate in the framework of the activities of this group.
6. The Assembly refers to its [Resolution 2448 \(2022\)](#) “Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine”. It deplores the challenges faced by the internally displaced children in Ukraine and calls for specific protection measures to be put in place for them.
7. The Assembly calls upon member States’ parliaments to enhance their political support towards meeting the objectives of the humanitarian response plan for Ukraine, with a specific emphasis on the needs of internally displaced children and their families. It has been estimated that a total sum of between US\$4 billion and US\$5 billion is needed to support war-affected communities in Ukraine and Ukrainian refugees and their host communities in the region throughout 2024.
8. The Assembly calls upon member States to step up support to humanitarian organisations, including volunteers, civil-society organisations and other local groups working in Ukraine to protect internally displaced children, recognising their tremendous efforts and contribution.

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1. *Assembly debate* on 25 January 2024 (5th sitting) (see [Doc. 15901](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Olena Khomenko); and [Doc. 15902](#), opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Sandra Zampa). *Text adopted by the Assembly* on 25 January 2024 (5th sitting).

See also [Recommendation 2265 \(2024\)](#).



9. The Assembly will remain seized on this issue with a view to a future debate, which should allow for the building of new alliances to meet the needs of internally displaced children and of their families.
10. The Assembly will strengthen parliamentary co-operation by setting up an ad hoc Committee to allow parliamentarians with diverse political backgrounds and professional expertise to contribute to improving the situation of children of Ukraine, wherever they may be: children who are in Ukraine, those who are internally displaced and those who have found temporary protection in Europe, as well as children who are currently missing or have been deported or forcibly displaced to the Russian Federation and Belarus.
11. The Assembly welcomes Ukraine's efforts to return deported or forcibly transferred children, including the implementation of the "Bring Kids Back UA" action plan and the formation of the International Coalition of Countries for the Return of Ukrainian Children under President Zelenskyy's Peace Formula.
12. The Assembly recognises Ukraine's commitment to protecting vulnerable children, including by establishing the Child Rights Protection Centre, which operates under the supervision of the Ukrainian Parliament Commissioner for Human Rights and addresses issues related to documenting crimes against children subjected to forcible transfer and deportation, assesses the needs of children, places them in family-based care, if necessary, and undertakes other actions aimed at their reintegration.
13. The Assembly emphasises that Ukrainian children leave Ukraine because of the armed aggression of the Russian Federation. Thus, Ukraine does not create dangerous living conditions for children. They are only to be subjected to temporary protection in the territories of foreign states. Therefore, the provisions of Article 6 of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children are not applicable to Ukrainian children. Meanwhile the application of Article 5 of the same convention is appropriate. Guided by Article 5 of the Convention, judicial or administrative bodies of Ukraine have the jurisdiction to take measures aimed at protecting the child's person or property.
14. The Assembly is particularly concerned about the fate of children forcibly transferred and deported to the temporarily occupied Ukrainian territories, the Russian Federation, and Belarus. These practices constitute war crimes, crimes against humanity and, as noted by the Assembly in its [Resolution 2482 \(2023\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", possible genocide, since acts "such as killings and forcible transfer of children of one group to another group for Russification purposes through adoption by Russian families and/or transfer to Russian-run orphanages or residential facilities like summer camps" could fall under Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.
15. The Assembly deplores and condemns the deportations and forcible transfers of Ukrainian children, practices which are fundamentally contrary to international law, in particular Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War and the Additional Protocol relating to the Protection of Victims of International Armed Conflicts, to which the Russian Federation and Ukraine are signatories.
16. The Assembly underlines the significance of the decision of the International Criminal Court to issue arrest warrants against the President of the Russian Federation, Vladimir Vladimirovich Putin, and the Commissioner for Children's Rights under the President of the Russian Federation, Maria Alekseyevna Lvova-Belova, in connection with the alleged war crimes of unlawful deportation and forcible transfer of children from temporarily controlled or occupied areas of Ukraine to the Russian Federation, and calls on the Council of Europe member States to further support the Court's efforts in ensuring the inevitability of liability for the Russian Federation for war crimes committed against Ukrainian children.
17. As of today, the "Children of War" platform run by the Ukrainian Government states that it has collected information on more than 19 546 children which have been signalled as having been deported, or forcibly transferred from various locations, and only 388 of whom have returned home.
18. The Assembly notes that the longer time passes, the more the chances of finding these children diminish, potentially leading to the irreversibility of their situation. It emphasises the particular vulnerability of orphans who have no support or legal representation. The dramatic consequences on the mental and physical health and well-being of children are crystallising. The citizenship and name of these children have sometimes been changed by Russian authorities. Some have been adopted illegally. Many are untraceable and have no means of contact with their country or their family. All have been subjected to some form of indoctrination, and a new culture and a new language have been imposed on them. Children have experienced psychological and/or physical aggression. These acts constitute violations of their rights to preserve their identity, including nationality, name, and family relations, to express their views freely, as well as the right to education and to enjoy their own culture as guaranteed by the United Nations Convention on the Rights of the Child.

19. The Assembly notes that the lack of a unified legal mechanism profoundly impedes the prompt return of Ukrainian children, potentially prolonging the process for decades. It acknowledges that any delay in the repatriation process not only reduces the likelihood of returning or reunifying all affected children with their families but also disproportionately impacts orphans and children deprived of parental care and who lack any adequate legal representation.
20. In view of these elements and the urgency of putting an end to these crimes, the Assembly reiterates its call on the Russian Federation and Belarus to immediately cease these illegal deportations, detention, and forcible transfers of children and to facilitate the return of children as soon as possible and under the best possible conditions.
21. The Assembly welcomes the discussions and conclusions arising from the meeting held by the *ad hoc* committee of its Bureau on 15 December 2023 in Paris, which focused on the return of Ukrainian children forcibly transferred and deported to the temporarily occupied Ukrainian territories, Russian Federation, and Belarus, as well as on the situation of children temporarily residing under the protection of Council of Europe member States and other host countries.
22. Consequently, the Assembly reiterates its call on the Russian Federation and Belarus to:
  - 22.1. cease immediately and unconditionally these practices of deportation and forcible transfer to the temporarily occupied Ukrainian territories, the Russian Federation, and Belarus, stop the transfer of Ukrainian children for adoption or foster care to Russian citizens, stop the imposition of Russian citizenship and name changes, and restore contact between these children and their parents or carers, or, in cases of loss of parents or carers, the competent Ukrainian authorities, with a view to their immediate repatriation to their home country or to release them to a safe third country;
  - 22.2. provide the Ukrainian authorities or a third party (a State or an international organisation) with comprehensive and reliable information about the number and the whereabouts of Ukrainian children in this situation, their names and surnames, their origin and the destination of the deportation, in order to ensure their safe return to Ukraine;
  - 22.3. provide representatives of the relevant United Nations bodies and other international humanitarian intervention and human rights protection organisations, such as the United Nations International Children's Emergency Fund (UNICEF), High Commissioner for Refugees, High Commissioner for Human Rights, and other competent UN agencies, and the International Committee of the Red Cross (ICRC) with unhindered, immediate and safe access to the children.
23. The Assembly recognises that the return of deported and forcibly transferred children to Ukraine, especially in cases where family reunification is impossible, is in line with the principle of the best interests of the child.
24. The Assembly calls on member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly, as well as on the entire international community acting in good will, and their diplomatic services to:
  - 24.1. adopt, at the level of national parliaments, statements and/or resolutions condemning the war crimes against children and recognising deportations, forcible transfers, and unjustifiable delay in repatriation of Ukrainian children, including orphans, children deprived of parental care, and other unaccompanied children under the control of the Russian Federation, as a crime of genocide, while emphasising the need for the swift return of deported and forcibly transferred children to Ukraine, in line with the principle of the best interests of the child;
  - 24.2. make every effort to trace the fate of the thousands of missing children, namely to identify, locate and return them to Ukraine, considering in particular the unique needs of children with disabilities, orphans, children deprived of parental care and other unaccompanied children who have no support or adequate legal representation, and ensure that the repatriation of these children is not only feasible but also conducted with the utmost care as these children require tailored approaches and specific pathways;
  - 24.3. support Ukraine in its efforts to document and establish the situation of each child, including the identification of deported or forcibly transferred orphans, children with disabilities, and children deprived of parental care, and to establish a substantiated, comprehensive, and usable list of missing children;
  - 24.4. collaborate with the law enforcement authorities of Ukraine and establish mechanisms for documenting cases of forcible transfers and deportation of Ukrainian children;



24.5. have recourse to instruments of universal jurisdiction to record the facts of crimes committed, ensure justice, and create the conditions to prevent the recurrence of similar crimes in the future, and employ various forms of international legal co-operation to exchange data on the facts of forcible transfers and deportation of Ukrainian children;

24.6. inform the competent authorities of Ukraine, via a duly-designated partner authority in each country, in cases of border crossings by citizens of the Russian Federation who have unlawfully adopted or established guardianship over a Ukrainian child, with the aim of returning that child to the territory of Ukraine;

24.7. provide political, logistical, and financial support for the establishment of an effective, rapid, and safe legal mechanism for the identification, tracing, and repatriation of children, and to strengthen co-ordination with all relevant Ukrainian national institutions and the Ukrainian Parliament Commissioner for Human Rights;

24.8. provide comprehensive support to the competent Ukrainian authorities at all levels and non-governmental organisations dealing with such categories of children as internally displaced, those in need of institutional care, orphans, children of fallen soldiers and veterans, and those physically and psychologically affected by war, in particular in their efforts to secure full access to education and healthcare, including physical and psychological rehabilitation, and reintegration;

24.9. impose and further comply with sanctions against the Russian Federation and Belarus, as well as to include in the sanctions lists individuals involved in the deportation, forcible transfer, and unjustifiable delay in repatriation of Ukrainian children;

24.10. assess, via their competent national authorities, the participation of journalists or other media representatives in propaganda campaigns organised by the Russian Federation or Belarus concerning Ukrainian children deported and forcibly transferred by the Russian Federation, with a view to applying appropriate measures in such cases, for example as regards refusal of accreditation and of access to public events;

24.11. facilitate the reintegration of children from Ukrainian residential care facilities who were evacuated to Council of Europe member States into their families, or their placement with Ukrainian citizens' families, as determined by the decisions of competent Ukrainian authorities; and ensure the swift acknowledgement of those authorities for executing custody rights over children;

24.12. foster a full exchange of information concerning Ukrainian children of institutional care and ensure close co-operation in this respect between the competent authorities of Ukraine and the member States;

24.13. support the implementation of specific measures that insure the protection and well-being of the children of Ukraine, including those in the Council of Europe Action Plan for Ukraine, "Resilience, Recovery and Reconstruction (2023-2026)".

25. The Assembly emphasises the need for enhanced co-operation among various existing mechanisms, including civil society, to pool efforts for the return of children, relying in particular on third-party intervention which can offer guarantees of impartiality and effectiveness. In this respect, it calls on the various organisations whose neutrality-based mandate allows them to gain access to the territories of the Russian Federation, Belarus, and occupied territories of Ukraine, to contribute to the process of identification, location and repatriation of deported and forcibly transferred Ukrainian children and to work closely with Ukraine and all States which could facilitate the return of children.

26. In this regard, the Assembly is committed to continuing its role as a facilitator, including by considering what Assembly structure or mechanism(s) could be used to support the Ukrainian authorities and various international organisations, such as the UNICEF, High Commissioner for Refugees, High Commissioner for Human Rights, and other competent UN agencies, and the ICRC, in determining the most rapid means to identify and facilitate an effective search for children, with access to as much information as possible about their identity and the conditions of their deportation or forcible transfer by the Russian Federation.





## Resolution 2530 (2024)<sup>1</sup>

Provisional version

# A democratic future for Belarus

Parliamentary Assembly

1. The Parliamentary Assembly reaffirms its dedication to supporting and advocating for the rights, freedoms, and safety of all Belarusians. It stands in solidarity with all those whose lives have been affected by the crimes of the Lukashenka regime and reiterates its ambition to welcome a future democratic, independent, sovereign, peaceful and prosperous Belarus as a member of the Council of Europe.
2. The Assembly commends the outstanding progress achieved by the Belarusian democratic forces in exile, under the leadership of Sviatlana Tsikhanouskaya, in co-ordinating and channelling their efforts to uphold the rights of all Belarusians and bring about a democratic change in Belarus. It acknowledges and supports the European aspirations declared by Ms Tsikhanouskaya and the Belarusian democratic forces. It welcomes the creation of the United Transitional Cabinet, the central executive body of the democratic movement, together with the Coordination Council, a unified representative body of Belarusian democratic society, as entities representing the legitimate democratic aspirations of the people of Belarus.
3. In the run-up to and following the fraudulent 2020 presidential elections, the state of human rights, democracy, and the rule of law further deteriorated in Belarus. The already negative trend intensified following the Lukashenka regime's participation in the Russian Federation's large-scale aggression against Ukraine, a most serious violation of international law which has led the Assembly to suspend all relations with the Belarusian authorities on the basis of its [Opinion 300 \(2022\) "Consequences of the Russian Federation's aggression against Ukraine"](#). The regime's decision to be an accomplice of the Kremlin in this aggression stands in stark contrast with the engagement of many Belarusians in support of Ukraine.
4. The peaceful expression of dissent by the Belarusian population has been met by brutal repression resulting in an unprecedented number of politically motivated arrests, detentions, and widespread intimidation of opposition figures, journalists, activists, and human rights defenders. Longer prison sentences have been handed down, and legislation has been introduced to expand the definition of terrorist acts, which are punishable with a capital sentence. Torture and ill-treatment in detention have been reported. Recalling that Ales Bialiatski and Maria Kalesnikava were awarded the Václav Havel Human Rights Prize for their indomitable struggle and personal sacrifice for the promotion of democracy and human rights in Belarus, the Assembly expresses its deep concern for the fate of all political prisoners in Belarus and conveys its full support to their families.
5. In a situation where freedoms of speech, assembly and association are curtailed, opposition political parties are liquidated and their leaders persecuted, freedom of the media is not respected, and there is no redress against these violations, and where no credible domestic or international election observation is allowed, there cannot be free and fair elections. The Assembly, therefore, expresses its serious concerns as regards the parliamentary elections to be held by the Lukashenka regime in February 2024, fearing that they will be yet another travesty of democracy, allowing the authorities to perpetuate their grip on power despite the real will of the Belarusian people.

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1. *Assembly debate* on 25 January 2024 (6th sitting) (see [Doc. 15892](#) and [addendum](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Kimmo Kiljunen; and oral opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Emanuelis Zingeris). *Text adopted by the Assembly* on 25 January 2024 (6th sitting).

See also [Recommendation 2266 \(2024\)](#).



6. The repression by the Lukashenka regime against the Belarusian people is so serious, widespread and systematic that it may amount to crimes against humanity and warrants full accountability under domestic and international law. In this respect, the Assembly deplores the steps taken by the regime to secure its impunity, such as the introduction of the Constitutional amendments of 2022 which give the President lifelong immunity from prosecution, and the denunciation of the Optional Protocol to the International Covenant on Civil and Political Rights, which deprives individuals in Belarus of the right to lodge complaints before the United Nations Human Rights Committee.

7. The threat posed by the Lukashenka regime extends beyond the borders of Belarus: the weaponisation of migrants as a tool for hybrid war against neighbouring States, the interception and forced landing of Ryanair Flight FR4978, and the involvement in the Russian Federation's war of aggression against Ukraine are serious violations of international law, while the active support given to the forced deportation and transfer of Ukrainian children may be regarded as signs of war crimes. All this shows the extent to which the Lukashenka regime represents a threat to international peace and security.

8. Similarly, the constitutional amendments of 2022 with which Belarus relinquished its neutrality and allowed for nuclear weapons to be deployed on its territory, together with a consistent policy by the authorities to obliterate the Belarusian culture, language and identity confirm, on the one hand, the existence of a security threat to other countries and, on the other hand, the fears expressed by many Belarusians that their country's independence and sovereignty are at risk.

9. The Assembly believes that, with a view to honouring its obligations under international law, aligning itself to Council of Europe values and preserving its sovereignty and independence, Belarus should:

9.1. immediately and unconditionally cease its support of the Russian Federation in its aggression against Ukraine, and therefore:

9.1.1. cease all support of the forced deportation and transfer of Ukrainian civilians, including children;

9.1.2. stop providing logistical or other support to Russian troops and refuse the transit of Russian troops through Belarusian territory;

9.2. refrain from threatening neighbouring countries by any means whatsoever, including through the weaponisation of migration;

9.3. accept responsibility for the interception and forced landing of Ryanair Flight FR4978 as an act of unlawful interference with civil aviation, as found by the International Civil Aviation Organization;

9.4. cease all repressive measures designed to silence dissent and ensure the unconditional and immediate release of all political prisoners and provide for their rehabilitation;

9.5. declare an amnesty for all those arrested on political grounds;

9.6. immediately put an end to all acts of torture or inhuman and degrading treatment, whether in public, citizens' homes or any place of detention;

9.7. ensure the organisation of free and fair elections, together with the respect of civil and political rights and freedoms, in line with the recommendations set out in [Assembly Resolution 2371 \(2021\) "Urgent need for electoral reform in Belarus"](#);

9.8. enable a peaceful transfer of power after the organisation of free and fair elections;

9.9. ensure the separation of powers, the existence of a system of checks and balances and the full independence of the judiciary;

9.10. ensure accountability under domestic law for human rights violations;

9.11. take steps to protect the Belarusian identity, culture and language, and to recognise and respect the rights of persons belonging to national minorities;

9.12. establish without delay a moratorium on the death penalty leading to its full abolition, and ensure that any remaining death sentences are commuted.

10. With a view to supporting a democratic future for Belarus, the Assembly calls on Council of Europe member States to:

10.1. step up support for the democratic forces and civil society of Belarus, in particular for the Office of Sviatlana Tsikhanouskaya, the United Transitional Cabinet, the Coordination Council, for Belarusian civil society, and for free and independent media;

- 10.2. intensify dialogue with Belarusian democratic forces by appointing Special Representatives to Belarusian democratic forces;
  - 10.3. step up support to the activities of the Council of Europe Contact Group on co-operation with Representatives of Belarusian democratic forces and civil society;
  - 10.4. provide technical support and expertise for the development of democratic tools and resources for the Belarusian democratic forces and civil society;
  - 10.5. set up or support programmes aimed at assisting Belarusian victims of violence, repression and torture;
  - 10.6. facilitate entry and stay in safe and dignified conditions for Belarusian citizens who flee the Lukashenka regime, in line with the [Assembly Resolution 2499 \(2023\) "Addressing the specific challenges faced by the Belarusians in exile"](#); take measures to help them preserve their language, culture and identity; and refrain from returning them to Belarus as long as they are at risk of persecution;
  - 10.7. maximise pressure on the Lukashenka regime by diplomatic means as well as by strengthening efforts to implement an effective system of sanctions;
  - 10.8. maintain unity in addressing international threats posed by the Lukashenka regime, and in particular in responding to the weaponisation of migration;
  - 10.9. continue to differentiate between the Lukashenka regime and the people of Belarus and avoid, in so far as possible, that sanctions against the former negatively impact the latter;
  - 10.10. take into account in their policies towards the ruling regime in Belarus the International Labour Organization (ILO) resolution of 12 June 2023 concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus.
11. Reiterating its [Resolution 2372 \(2021\) "Human rights violations in Belarus require an international investigation"](#), with a view to establishing accountability of the Lukashenka regime for violations of human rights and international law, the Assembly:
    - 11.1. welcomes efforts and initiatives by international organisations, human rights defenders, and civil society representatives on the ground for the collection, verification, and preservation of documentation and evidence of serious human rights violations perpetrated in Belarus during and after the August 2020 presidential elections, and states its support for the International Accountability Platform for Belarus and its further strengthening;
    - 11.2. welcomes initiatives to assess the condition of political prisoners and provide aid to them, and encourages continued efforts to gain access to detainees, including by the International Committee of the Red Cross;
    - 11.3. calls on Council of Europe member States to support ongoing international efforts for accountability, including through the establishment of a system of accountability for the crimes and human rights violations committed against the Belarusian people, and by exercising universal jurisdiction provided for in their criminal legislation or, where applicable, by introducing this possibility into their legislation;
    - 11.4. calls on Council of Europe member States to explore options for how the Lukashenka regime can be held accountable for its involvement in the Russian Federation's war of aggression against Ukraine;
    - 11.5. recalling the full commitment of the Heads of State and Government of the Council of Europe in Reykjavík to fighting the impunity of perpetrators of the forcible transfer of children from Ukraine, calls on Council of Europe member States to support the investigations of the Office of the Ukrainian Prosecutor General into the role of Belarus in forced transportations of children, and the investigations of the Prosecutor of the International Criminal Court in connection with the alleged war crimes of unlawful deportation and transfer of children from or to the temporarily and illegally controlled or occupied areas of Ukraine.

12. As regards its own work, the Assembly:

12.1. resolves to further promote the participation of representatives of Belarusian democratic forces in its work so as to allow a representative delegation of Belarusian democratic forces to take an active role in any discussion taking place at the level of Assembly committees and networks during part-sessions, with the authorisation of the respective chairpersons, according to modalities to be established by the Bureau of the Assembly;

12.2. calls for the setting up of a General Rapporteur for a Democratic Belarus;

12.3. calls on the General Rapporteur for a Democratic Belarus, the General Rapporteur for political prisoners, the General Rapporteur on the situation of human rights defenders, and the General Rapporteur on the abolition of the death penalty to work closely together on Belarus and to establish a structured dialogue with the Office of Sviatlana Tsikhanouskaya, the United Transitional Cabinet, the Coordination Council and their respective structures;

12.4. decides to intensify its engagement with Belarusian civil society, human rights defenders, independent journalists, and academia;

12.5. commits to continue supporting the activities of the Council of Europe Contact Group on co-operation with Representatives of Belarusian democratic forces and civil society;

12.6. sets forth to revive dialogue and co-ordination with other international parliamentary assemblies with a view to supporting the Belarusian democratic forces and civil society and promoting a democratic future for Belarus;

12.7. will explore and support efforts to establish a network of parliamentary friendship groups of democratic Belarus;

12.8. reaffirms its support for political pluralism and encourages its political groups to engage with Belarusian democratic political parties;

12.9. invites Belarusian democratic forces to make use of the Assembly's tools and expertise on the organisation of elections and on electoral processes;

12.10. notes the Urgent Interim Opinion on the Constitutional Reform in Belarus of 21 February 2022 of the European Commission for Democracy through Law (Venice Commission), and its comments on the Draft Constitution of Belarus elaborated by the Belarusian democratic forces, and encourages the Venice Commission, in line with its statute, to continue to provide its expertise on constitutional reform in Belarus and to co-operate further on strengthening the democratic forces' capacity to address issues relating to legislation and judicial practice;

12.11. resolves to continue to follow the political situation in Belarus.



## Resolution 2531 (2024)<sup>1</sup>

Provisional version

# Countering SLAPPS: an imperative for a democratic society

Parliamentary Assembly

1. In recent years, there has been a steady increase in the number of Strategic Lawsuits Against Public Participation (SLAPPs). The term refers to abusive litigation and legal tactics designed to prevent, hinder or sanction public participation, that is the dissemination of information on sensitive issues and contributions to public debate on “matters of public interest”, including a wide range of journalism, advocacy, communication and speech. In this respect, all matters where the public has a legitimate interest, including issues which affect the public and those which inspire controversy, but not issues of a purely private nature, must be considered of “public interest”.

2. The Platform to promote the protection of journalism and the safety of journalists of the Council of Europe describes SLAPPs as a form of “harassment and intimidation of journalists” or “acts having a chilling effect on media freedom”, depending on the source of the threat and the legal approach taken by the claimant. But while this worrying phenomenon seriously undermines media freedom, journalists are not the only victims, as such lawsuits may also target, for example, activists, whistle-blowers, human rights or environmental groups, trade unions, and any other individual or entity raising issues of public interest. The disclosure process in SLAPP cases can also threaten the protection of journalists’ sources.

3. SLAPPs systematically feature two interconnected traits: i) they consist of legal actions that are initiated or pursued or threatened to be, to intimidate, harass or silence their target; and ii) they misuse or abuse legal proceedings and legal guarantees to prevent, hinder or penalise freedom of expression on matters of public interest and the exercise of rights associated with public participation.

4. There are other typical characteristics of SLAPPs, which however are not necessarily all simultaneously present in each case. Claimants are usually in a position of (economic and often political) power and have considerably more resources than the defendants they seek to intimidate and silence (journalists, media or activists). The claimants or their lawyers often advance aggressively framed or spurious arguments. Despite the weakness of their legal arguments, the claimants demand exorbitant amounts of damages and ramp up and draw out legal proceedings so as to force defendants to spend significant amounts of time and money defending their case. Sometimes, many co-ordinated legal actions related to the same event, and which can also have a cross-border element, are initiated by the claimants or their associated parties. The claimants may also orchestrate denigratory public relations campaigns against the defendants, to humiliate and delegitimise them. This is largely a matter of threats and the desire to intimidate and bully them into self-censorship, not so much to avert the risk of conviction, but to avoid the certainty of having to make considerable sacrifices for justice to be served.

5. SLAPPs may thus be regarded as a form of “lawfare”, a way of manipulating the judicial system and undermining its inherent protective role by misusing it to inhibit the right to freedom of expression and the right of citizens to receive information on matters of public interest. They prosper in jurisdictions which lack robust procedural guarantees to counter abusive lawsuits.

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1. *Assembly debate* on 25 January 2024 (6th sitting) (see [Doc. 15869](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Stefan Schennach; and [Doc. 15879](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Davor Ivo Stier). *Text adopted by the Assembly* on 25 January 2024 (6th sitting).

See also [Recommendation 2267 \(2024\)](#).



6. National authorities as well as international organisations have noted that measures are needed to combat this phenomenon the need to take action. In its January 2020 report entitled “Threats to media freedom and journalists’ security in Europe”, the Parliamentary Assembly identified several countries where this phenomenon has reached worrying proportions. In October 2020, the Commissioner for Human Rights of the Council of Europe called on States to tackle the problem. The partner organisations to the Council of Europe Platform to promote the protection of journalism and safety of journalists have regularly highlighted SLAPPs in their annual reports. The Committee of Ministers of the Council of Europe is also in the process of adopting a recommendation on the issue.
7. Moreover, the European Union institutions are drawing up a directive to protect victims of SLAPPs or abusive court proceedings with cross-border implications and anti-SLAPP laws have recently been adopted or are being drawn up in some Council of Europe member States.
8. The Assembly recalls that under Article 10 of the European Convention on Human Rights (ETS No. 5) member States not only must refrain from interfering with the right to freedom of expression, but they also have a positive obligation to ensure a safe and favourable environment for participation in public debate by everyone, without fear, even when their opinions run counter to those defended by official authorities or significant parts of the public.
9. The Assembly also refers to Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, whereby “[m]ember States must exercise vigilance to ensure that legislation and sanctions are not applied in a discriminatory or arbitrary fashion against journalists and other media actors. They should also take the necessary legislative and/or other measures to prevent the frivolous, vexatious or malicious use of the law and legal process to intimidate and silence journalists and other media actors”.
10. Similarly, Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries calls on national authorities to consider adopting “appropriate legislation to prevent strategic lawsuits against public participation (SLAPP) or abusive and vexatious litigation against users, content providers and intermediaries which is intended to curtail the right to freedom of expression”.
11. The Assembly considers that there is now an urgent need for all Council of Europe member States to act in a co-ordinated manner to successfully combat the phenomenon of SLAPPs and calls on them to strengthen their legislation to enable judges to effectively punish the perpetrators of such abusive litigation, while ensuring that measures to address SLAPPs remain proportionate in the context of other rights protected under the European Convention on Human Rights, in particular the right to a fair trial (Article 6) and the right to respect for private and family life (Article 8).
12. To this end, where legal action is directed against a form of expression or public participation on a matter of public interest and has the effect of preventing, hindering or sanctioning it, national authorities should provide for:
  - 12.1. a procedure for the early dismissal of a claim that is unfounded, abusive or would otherwise have a disproportionate impact, within a given time limit and based on specific criteria clearly defined in national legislation, including an appeal process conducted under an accelerated procedure;
  - 12.2. effective case management, and secure procedural expediency, in order to avoid or minimise the length and cost of proceedings;
  - 12.3. the burden of proof on the claimant to prove that their lawsuit is not a SLAPP, where the court considers it established that the case concerns a form of participation in public affairs or expression on a matter of public interest;
  - 12.4. the consolidation of proceedings concerning the same publication or a substantially similar element of the same publication, to avoid exhausting the defendant with multiple procedures the main objective of which is to paralyse the dissemination of information of public interest;
  - 12.5. a stay of proceedings and claims for compensation in the event of the defendant’s death;
  - 12.6. determination of the court with territorial jurisdiction on the basis of the defendant’s domicile when the defendant is a private individual, if this does not contravene international obligations, or the legislation of the European Union where applicable, and in any case, the defendant’s access to appropriate remedies before the courts of the State where the action is brought;
  - 12.7. the protection of journalists’ sources during the litigation, particularly from disclosure;

12.8. a maximum limit on the financial guarantees that may be required and imposed on the defendant, which must remain reasonable in the light of his or her actual means, precluding in principle the total freezing of his or her bank accounts;

12.9. a maximum limit on the damages and legal defence costs that may be imposed on the defendant;

12.10. legal and financial assistance for the defendant, including where the defendant is a legal entity, and psychological support where the defendant is a natural person;

12.11. access to early warning mechanisms for SLAPP targets in cases where their physical safety is threatened, and, in exceptional cases, to processes for voluntary evacuation and/or State protection;

12.12. the right of the defendant to be fully and promptly reimbursed for all costs and expenses incurred in defending the case, as well as the right to be awarded, in addition to ordinary pecuniary damages, a reasonable compensation of non-pecuniary damages for the emotional distress and punitive damages of a sufficiently substantial amount where the abusive nature of the claimant's action is established;

12.13. a fine or financial penalty to be paid by the claimant and to be collected by the State, for the damage caused to the judicial system by the bringing of abusive litigation; the amount of this financial penalty should be determined by the court, taking due account of the claimant's financial situation, in order to ensure that it has a genuine deterrent effect.

13. The Assembly notes that while SLAPPs are frequently civil lawsuits, they can also be in the form of administrative and criminal procedures. Therefore, it calls on member States to:

13.1. review administrative and criminal procedures which may have a chilling effect on the freedom of expression and public participation, in order to offset or at least reduce such an effect, and, in particular, decriminalise defamation, as criminal prosecution on this basis constitutes the main threat for people reporting on matters of public interest;

13.2. encourage administrative courts, public prosecutors and criminal jurisdictions to make use of the procedural powers they have to reduce the impact on public participation of administrative and penal lawsuits, namely fast-tracking criminal and administrative procedures which may hinder public participation, managing them to avoid useless delays and closing them as rapidly as possible;

13.3. provide for rapid and full compensation of the defendant's costs and damages (including non-pecuniary ones) also in the framework of criminal procedures or administrative procedures which are eventually dismissed;

13.4. provide that the defendant is eligible for (financial and other) support mechanisms also in case of criminal or administrative procedures, when public participation is at stake.

14. The Assembly considers that members of the judiciary and bar associations have a central role to play in combating SLAPPs. Accordingly, it calls on member States to:

14.1. raise awareness among all judicial authorities of the phenomenon of SLAPPs, in particular by stepping up monitoring of the number and nature of SLAPP cases brought before the courts;

14.2. include specific training in the curricula of judicial training institutions to make judges aware of the abusive nature of SLAPPs and the various strategies that claimants may employ so that they can detect and counter them;

14.3. encourage the regulatory authorities of the legal profession to include the fight against SLAPPs explicitly in their codes of ethics, to improve the training of their members to make them aware of the phenomenon and to require them, on pain of disciplinary action, to refrain from knowingly participating in the actions of clients who are clearly seeking to abuse the legal system by bringing SLAPPs and deliberately prolonging such proceedings.

15. The Assembly stresses that developing multilateral co-operation at European level is key to countering SLAPPs effectively and calls on member States to strengthen judicial co-operation with a view to:

15.1. develop smart procedural rules to avoid multiple SLAPPs in different States;

15.2. ensure mutual recognition of decisions establishing that a lawsuit was a SLAPP, also to secure the implementation of dissuasive measures;

15.3. set safeguards against judgments in favour of SLAPPs, in particular those issued in jurisdictions outside Council of Europe member States, to deny recognition and enforcement of these judgments.

16. The Assembly finally encourages media and watchdog organisations to adopt measures such as establishing an insurance mechanism or collective defence funds, pooling of resources for pre-publication legal review and the reporting of SLAPPs, especially in countries where journalists themselves are not yet sufficiently aware of the phenomenon.





**Resolution 2532 (2024)<sup>1</sup>**

Provisional version

## **Guaranteeing media freedom and the safety of journalists: an obligation of member States**

Parliamentary Assembly

1. The Parliamentary Assembly stands firmly for the defence of the right to freedom of expression and recalls that media freedom and safety of journalists are cornerstones of true democracy. According to Article 10 of the European Convention on Human Rights (ETS No. 5, “the Convention”), member States of the Council of Europe have a positive obligation to establish a sound legal framework for media pluralism and for journalists and other media actors to work safely; however, we are far from having reached this result.
2. Since the Council of Europe Platform to promote the protection of journalism and safety of journalists was established in 2015, the number of alerts posted yearly has grown constantly, and it has more than doubled in eight years, rising from 108 in 2015 to 289 in 2022. Moreover, the number of countries concerned by alerts has increased, while the percentage of alerts considered as “resolved” has significantly decreased, to less than 5% in 2023.
3. Unfortunately, State authorities and political forces in power are in many cases at the origin of threats to media freedom and safety of journalists, and the Assembly deeply regrets that, almost 10 years after the creation of the platform, its initial goals of improving protection of media professionals and fostering the adoption of adequate laws and practices have not been fulfilled. However, the Assembly welcomes the recently introduced changes to the platform, for example by mentioning what type of action is expected from member States in response to the alerts, and what circumstances might lead to the alert being considered as resolved.
4. Worrying signals also relate to a lack of proper execution of the judgments of the European Court of Human Rights, including lack of action to remedy violations in the relevant specific cases and solve systemic problems. Council of Europe member States must honour their obligations under the Convention as determined by the case law of the Court and this is not negotiable.
5. The negative economic and social consequences – in all sectors and at all social layers – of the Covid-19 pandemic and then of the war of aggression against Ukraine, have also led to the deterioration of the media environment and journalists’ working conditions. Governmental control over information has been strengthened in various countries, and reaction to critical opinions has toughened. Social distress and tensions triggered by these successive crises have also translated into public demonstrations during which, tragically, journalists and their technical collaborators have been victims of violence, committed both by demonstrators and by the police. The war in Ukraine has raised new and grave concerns: journalists reporting on the biggest conflict in Europe since the Second World War put their safety and their lives at risk.
6. Year after year, the Assembly’s reports and resolutions identify drawbacks in the media ecosystems of European States and urge the relevant authorities to correct them. Surveys and analysis from partner organisations, as well as statistical data on threats to media operators and journalists, point to negative

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1. *Assembly debate* on 25 January 2024 (6th sitting) (see [Doc. 15891](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Mogens Jensen). Text adopted by the Assembly on 25 January 2024 (6th sitting). See also [Recommendation 2268 \(2024\)](#).



trends: numerous criminal acts against journalists including murders; legal harassment and smear campaigns; threats to women journalists; and media capture, among others. Moreover, at the end of November 2023, 68 journalists and media professionals were detained in Europe.

7. The Assembly expresses its strong concern over these multiple attacks to media freedom and the too many cases of impunity, especially in relation to murders of journalists, some of which remain unresolved for more than a decade. It insists on the duty of State authorities to investigate each and every crime against journalists, and bring to justice the instigators, perpetrators and accomplices.

8. There is a pressing need to enforce the high standards on media freedom which the Council of Europe has established, to ensure effective protection of journalists and to uphold in all member States a friendly and safe environment for media independence and pluralism. All political forces should work together in promoting a change of culture in dealing with this issue: media freedom is a public good, a key asset of incommensurable value for both majority parties and opposition ones.

9. The Assembly warmly welcomes the recognition by the Heads of State and Government of the Council of Europe, who met during the 4th Summit in Reykjavík on 16-17 May 2023, of the “Council of Europe’s prominent role in international standard-setting on freedom of expression and related issues such as media freedom”, and their commitment to “continue [their] collective efforts for the safety of journalists and other media actors”. The Assembly also commends the launch, on 5 October 2023 in Riga, of the Council of Europe Campaign for the Safety of Journalists, which provides the momentum for acting more effectively all together.

10. Therefore, the Assembly calls on member States to fully endorse and take an active part in this campaign. Within this framework, member States should:

10.1. develop holistic national strategies and coherent action plans, also based on Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, ensure the involvement of national parliaments in their design and follow-up, and allocate adequate resources for their implementation;

10.2. review legislation which can be abused or misused to unduly restrict media freedom, threaten journalists and seek to silence them; in this respect, decriminalisation of defamation and the introduction of adequate countermeasures to strategic lawsuits against public participation (SLAPPs) – including those foreseen in [Resolution 2531 \(2024\)](#) “Countering SLAPPs: an imperative for a democratic society” – are key steps to be taken urgently;

10.3. analyse the political, legal and economic conditions which lead to media capture, and take adequate measures to counter this phenomenon and safeguard independent media;

10.4. improve the legislative and regulatory framework against any political interference and undue concentration of media ownership; this requires, in particular, enhanced rules on transparency of formal and beneficial media ownership and control, in line with the requirements set forth by Recommendation CM/Rec(2018) of the Committee of Ministers to member States on media pluralism and transparency of media ownership and Assembly [Resolution 2065 \(2015\)](#) “Increasing transparency of media ownership”;

10.5. support genuine public service media, securing their viability and editorial independence, according to the basic standards set by the “Guiding principles for public service media governance” appended to Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance, and the Assembly [Resolution 2179 \(2017\)](#) “Political influence over independent media and journalists”;

10.6. ensure that financing schemes for private media outlets are based on fair and objective criteria and operated in a transparent and non-discriminatory manner; public support schemes for private media should be intended to reinforce pluralism and ensure access to quality information in all regions of Europe, also paying attention to non-commercial media outlets and media which are the expression of local perspectives, or of cultural diversity;

10.7. monitor the execution of the judgements of the European Court of Human Rights on Article 10 of the Convention, to ensure their full and timely implementation by the concerned authorities;

10.8. establish early warning and rapid response mechanisms, based on good practice, to deal effectively with serious alerts seeking to avoid threats to media freedom and the safety of journalists, or at least to remedy them rapidly; to this aim, reinforce dialogue and co-operation between media professionals, the police and the judiciary;

10.9. strengthen the operational capacity of the police and judiciary to investigate and effectively prosecute the perpetrators and instigators of unlawful acts against journalists;

10.10. adopt a gender-specific approach to counter gender-based violence, which should be regarded as an aggravating circumstance in crimes; introduce specific protective measures against harassment and threats to women journalists, especially online, and ensure that the criminal justice system is well equipped to investigate all cases of sexist violence and prosecute all those responsible;

10.11. implement adequate measures to protect journalists during public demonstrations and other public events, where they are most at risk, including awareness raising and tailored training programmes for police forces.

11. While there are serious threats to media freedom and the safety of journalists in most of our countries, the alerts on the Council of Europe Platform to promote the protection of journalism and safety of journalists and reports of media freedom watchdogs show that these problems are more acute in some member States. The Assembly is concerned, in particular, by the high level of harassment targeting journalists in Azerbaijan, the expanding phenomenon of media capture in Hungary, Poland and Serbia, and the alarming number of journalists detained in Türkiye. The Assembly urges these countries to engage in the Campaign of the Council of Europe for the Safety of Journalists and to implement, within this framework, adequate measures to remedy these issues.

12. The Assembly recalls its Resolution 2317 (2020) of 28 January 2020 entitled "Threats to media freedom and journalists' security in Europe" and reiterates its call for the prompt release of Julian Assange.

13. The Assembly is aware of the difficult situation faced by the media and journalists in Ukraine who suffer from attacks and destruction of infrastructure, and urges member States to provide targeted support to Ukrainian media and assistance to journalists from Ukraine, but also to exiled journalists from the Russian Federation and Belarus, in their work.

14. The Assembly calls on all member States to engage with the partners of the Council of Europe Platform to promote the protection of journalism and safety of journalists and to establish effective response mechanisms to the alerts, followed by actions and measures intended to redress violations of media freedom and avoid their repetition in the future. A constructive approach can be taken through dialogue between representatives of the member States and partner organisations of the platform, as was the case in 2022 in Albania, Hungary and Kosovo\*.<sup>2</sup>

15. Finally, the Assembly reiterates its full and strong commitment to the enforcement of Council of Europe standards concerning the right to freedom of expression, media freedom and the safety of journalists. It considers that the Campaign of the Council of Europe for the safety of journalists is a unique opportunity to raise awareness amongst parliamentarians and strengthen the role of parliaments in upholding media freedom. The Assembly would like a significant parliamentary and interparliamentary dimension to feature in this campaign. Therefore, it strongly encourages national parliaments to play an active role and in particular to foster the required legislative reforms and take initiatives to raise public awareness of the need to safeguard media freedom and the safety of journalists. The Assembly is ready to contribute directly to the success of the campaign and resolves to stay closely involved in the process.

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2. \*All references to Kosovo, whether 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.





## Resolution 2533 (2024)<sup>1</sup>

Provisional version

# Child abuse in institutions in Europe

Parliamentary Assembly

1. In Europe, we must never again turn a blind eye to the abuse of children, whether they have been victims of sexual predators, gratuitous violence or ill-treatment in public, private or religious institutions that are supposed to be safe havens. Too many children's futures have been shattered beyond repair. The exposure of such human rights violations throughout Europe has also highlighted serious errors of judgement and professional or ethical misconduct committed by third parties. The accounts of these crimes are always harrowing, whether they took place in orphanages in Ireland and Romania, schools in Sweden and Norway, church-run institutions in Germany, Belgium, Spain, France and Switzerland, as well as farms in Switzerland or in summer camps in France.

2. A reality passed over in silence, the amount of suffering, abuse and violence, be it sexual or otherwise, that children have suffered in institutions in Europe is as intolerable as the impunity that surrounds it and still continues today. Ignoring such malicious acts, refusing to acknowledge the acts and the torment of victims play a part in perpetuating the conditions that enable such totally impermissible criminal behaviour to continue to this day.

3. The Council of Europe, including the Parliamentary Assembly, strongly supports children's rights and their protection from abuse. It has developed pioneering, binding standards and norms, monitored their implementation, issued guidance, and provided support and capacity building through, in particular, the multidisciplinary work of the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), in which the Assembly participates. The Council of Europe has established itself at the forefront of efforts to consolidate children's rights and, above all, as a driving force for positive change.

4. "Freedom from violence for all children" and "Child-friendly justice for all children", two of the six strategic objectives of the fourth Strategy for the Rights of the Child (2022-2027), remain priority areas for the Organisation, requiring "continuous implementation". These objectives and the achievement of the United Nations Sustainable Development Goal (SDG) 16.2 to "end abuse, exploitation, trafficking and all forms of violence against and torture of children" must remain a priority for all Council of Europe member States.

5. In order to reaffirm that combating violence against children is a European priority and to ensure that national structures are set up to prevent such violence effectively, the Assembly reiterates the recommendations set out in [Resolution 2330 \(2020\)](#) "Addressing sexual violence against children: stepping action and co-operation in Europe" and in [Resolution 2294 \(2019\)](#) "Ending violence against children: a Council of Europe contribution to the Sustainable Development Goals" which echoed [Resolution 2056 \(2015\)](#) "The inclusion of children's rights in national constitutions as an essential component of effective national child policies".

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1. *Assembly debate* on 26 January 2024 (7th sitting) (see [Doc. 15889](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Pierre-Alain Fridez; and oral opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Constantinos Efstathiou). *Text adopted by the Assembly* on 26 January 2024 (7th sitting).

See also [Recommendation 2269 \(2024\)](#).



6. By promoting good practice, the Assembly seeks to open up a Europe-wide debate on full reparation for all violence committed against children. Violence takes many forms (and is not always sexual) and its effects on victims today and on their development must be recognised so that this full reparation truly reflects the seriousness of and is proportionate to the harm done.
7. The Assembly therefore calls on all member States to:
  - 7.1. take stock of the situation of violence committed in public, private or religious institutions against children in order to create the right conditions for victims to speak out (including as adults) by ensuring they are treated with respect and humanity;
  - 7.2. analyse the circumstances conducive to such abuse, including institutional care in public, private or religious settings, inadequate care, foster care in private homes, the removal of children from parents deemed to be "unfit", forced adoption, etc.;
  - 7.3. recognise the suffering endured and ensure complete management of after-effects and consequences of all kinds (physical, emotional, social, etc.) ;
  - 7.4. issue an official apology to past and present victims;
  - 7.5. prosecute and sanction perpetrators of these acts without a statute of limitations;
  - 7.6. encourage and support non-State institutions caring for children and operating on the national territory to assume their responsibilities and ensure that their responses also allow full reparation for all violence committed against children;
  - 7.7. ensure that victims, regardless of their age, who have been subjected to any form of physical, sexual or psychological violence are awarded an appropriate and adequate compensation that is proportionate to the gravity of the harm done, as reparation and redress for it and its future impact, with no time limit in relation to the date of the offences and in a manner proportionate to the seriousness of the damage suffered;
  - 7.8. support the creation of places of remembrance of institutional mistreatment which highlight the Council of Europe's fundamental values – human rights, democracy and the rule of law – in order to educate future generations about the best interests of the child and the protection of children's well-being;
  - 7.9. embark on a comprehensive programme of prevention and awareness-raising measures, including monitoring institutional care facilities and any situation in which children are taken into care, in order to minimise risks and be able to react quickly in cases of abuse.
8. The Assembly encourages the European Union and Morocco to also accede to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Lanzarote Convention) in order to contribute to the Council of Europe's efforts to strengthen children's rights and to work towards the eradication of all forms of violence against children, and to combat new threats.
9. Lastly, the Assembly intends to update its handbook for parliamentarians in order to support the implementation of the Lanzarote Convention and to provide parliamentarians with effective instruments to combat violence against children.



**Resolution 2534 (2024)<sup>1</sup>**

Provisional version

## **The progress of the Assembly's monitoring procedure (January-December 2023)**

Parliamentary Assembly

1. The Parliamentary Assembly recognises the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in [Resolution 1115 \(1997\)](#) (modified) “Setting up of an Assembly Committee on the honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee)”. In particular, it welcomes the committee’s work in accompanying the 11 countries under a full monitoring procedure (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Hungary, the Republic of Moldova, Poland, Serbia, Türkiye and Ukraine) and the 3 countries engaged in a post-monitoring dialogue (Bulgaria, Montenegro and North Macedonia) in their efforts to comply fully with the obligations and commitments they entered into upon accession to the Council of Europe, as well as the countries subject to periodic monitoring of their membership obligations, which was completed in 2023 in respect of France and San Marino and is currently carried out for the Netherlands.
2. The Assembly welcomes the fact-finding visits made in 2023 by the respective rapporteurs to Albania, Armenia, Azerbaijan, Bulgaria, Bosnia and Herzegovina, France, Georgia, the Netherlands, Poland, Serbia and Türkiye; and takes note of the findings of the rapporteurs expressed in the reports of these visits.
3. The Assembly welcomes the positive developments and progress made during the reporting period in the countries under a full monitoring procedure or engaged in a post-monitoring dialogue; it expresses its concern about some negative developments and remaining shortcomings and urges all these countries to step up their efforts to fully honour their membership obligations and accession commitments to the Council of Europe, while it stands ready and committed to co-operate and assist member States in this respect.
4. Regarding the countries under a full monitoring procedure:
  - 4.1. with respect to Albania: the Assembly welcomes the continued progress in honouring its obligations and commitments to the Council of Europe especially with regard to the reform of the justice system, including the vetting of all judges and prosecutors, with a view to ensuring its independence and efficacy. With regard to fighting the persistent corruption and influence of organised crime in the country, the Assembly welcomes the tangible results achieved by the Specialised Structure for Anti-Corruption and Organised Crime including with regard to high level cases. It is now important that these first tangible results become a non-reversible trend. The removal of Albania from the so-called grey list of the Financial Action Task Force is a significant development in this regard. The Assembly regrets that, despite some improvement, the political environment in Albania is still very polarised and fragmented, which undermines parliamentary oversight and the proper functioning of the system of checks and balances in the country. While recognising Albania’s multicultural society and history of inter-religious dialogue and tolerance, the Assembly is concerned that more than five years after the adoption of the Albanian Law on the Protection of Minorities, three essential by-laws have not yet been adopted, which impedes the implementation of this law, and weakens the protection of minorities in the

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1. *Assembly debate* on 26 January 2024 (7th sitting) (see [Doc. 15893](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Piero Fassino). *Text adopted by the Assembly* on 26 January 2024 (7th sitting).





country. The Assembly urges the authorities to adopt without further delay these by-laws, that should fully adhere to the requirements under the Framework Convention for the Protection of National Minorities (ETS No. 157). In addition, referring to [Opinion 189 \(1995\)](#), the Assembly calls on the Albanian authorities to sign and ratify the European Charter for Regional or Minority Languages (ETS No. 148).

4.2. with respect to Armenia: the Assembly commends the actions of the authorities and the solidarity of the population to receive the more than 100 000 refugees from Nagorno-Karabakh and calls on Council of Europe member States to provide all support to help Armenia tackling this enormous challenge. The Assembly welcomes the continuation of democratic reforms and specifically the improvement of the electoral framework. It calls on the authorities to strengthen media freedom and independence and to continue the reform of the judiciary and the efforts to fight corruption. The Assembly urges both the majority and the opposition to refrain from hate speech and stigmatisation and to contribute to the establishment of a genuine democratic culture based on the recognition by political opponents of each other's legitimacy;

4.3. with respect to Azerbaijan: while welcoming the recent reform of the Judicial Legal Council, the Assembly regrets that concerns with regard to the rule of law, pluralist democracy and human rights remain unaddressed. It is seriously concerned about the human rights situation in the country, in particular with regard to the independence of the judiciary, freedom of expression, media freedom, and freedom of association. Allegations of politically motivated arrests and detention, as well as allegations of torture and ill-treatment by law enforcement officials and poor detention conditions are of concern in this context. Recalling [Resolution 2494 \(2023\)](#), it urges the authorities to fully and swiftly implement the judgments of the European Court of Human Rights, in particular those revealing structural or complex problems, some of which have not been resolved for over 10 years. It also invites the authorities to implement without delay outstanding recommendations of the European Commission for Democracy through Law (Venice Commission), in particular those concerning the legislative framework on political parties and media. As regards the situation in Nagorno-Karabakh, the Assembly reiterates its recommendations included in Resolutions [2517 \(2023\)](#) and [2508 \(2023\)](#). The Assembly is also monitoring the situation around the Armenian prisoners of war, civilians and other captives, as well as all detained representatives of Nagorno-Karabakh currently held in Azerbaijan and calls upon Azerbaijan to immediately release all detainees;

4.4. with respect to Bosnia and Herzegovina: the Assembly welcomes the swift formation of all levels of government following the last elections. It also welcomes the adoption of important reforms in spite of the persistence of serious challenges to the authority and legitimacy of the State institutions. The Assembly reiterates its call for constitutional and electoral reforms with the purpose of eliminating the discrimination based on ethnic affiliation, in line with the requirements of the European Convention on Human Rights (ETS No. 5). It considers that additional reforms are urgently needed to improve the rule of law, independence of the judiciary and fight against corruption. In this regard, the Assembly is deeply concerned by recent steps taken at entity level that negatively affect the freedom of journalists and freedom of association;

4.5. with respect to Georgia: the Assembly welcomes the continuing reforms by the country to honour its accession commitments and membership obligations to the Council of Europe. In that respect, it welcomes the recent European Council decision to grant Georgia EU candidate status, which is a clear recognition of its longstanding aspirations. The Assembly welcomes that Mr Levan Ioseliani, a former member, was appointed as the new Ombudsperson by the Georgian Parliament on the basis of a consensus between ruling majority and opposition. Nevertheless, it remains deeply concerned about the continuing extreme polarisation of the political environment, that is permeating all levels of society. This extreme polarisation is negatively affecting the implementation of the reforms that are essential for the democratic consolidation of the country. It urges the ruling majority, as well as other political forces in the country, to refrain from any actions that could increase the tensions and polarisation in the country. The Assembly reiterates its call in [Resolution 2438 \(2022\)](#) for a holistic reform of the judiciary with a view to ensuring its genuine independence and impartiality. In that respect, it regrets that the recent changes to the Law on Common Courts, despite implementing some improvements, do not reform the High Council of the Judiciary, whose functioning is a key obstacle to the independence of the judiciary, and in the view of the Venice Commission do not amount to a holistic reform as meant by the Assembly. The Assembly takes note of the urgent opinion of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), requested by the Georgian Ombudsperson, on the draft amendments to the Law on Assemblies and Demonstrations and, in line with this opinion, urges the Georgian authorities to withdraw these draft



amendments. The Assembly reiterates again its full support for Georgia's sovereignty and territorial integrity within its internationally recognised borders and deplores and condemns the recent killing of a Georgian citizen by Russian occupation forces;

4.6. with respect to Hungary, with reference to [Resolution 2460 \(2022\)](#), the Assembly reiterates its call on the Hungarian authorities to address the serious questions regarding the functioning of democratic institutions in the country as a result of the cumulative effects of measures that negatively impact the independence of the judiciary, the situation of media, and the transparency and accountability of State institutions. It takes note of the judicial reform, adopted after consultation with the European Commission in May 2023, with the objective to address some of these concerns. The Assembly notes that the "state of danger" was further extended until 23 May 2024 and reiterates its position that the use of special legal orders must be restricted to what is strictly necessary and proportionate and must be limited in time. The Assembly calls on the Hungarian Parliament to postpone the consideration of the legislative package on "defense of sovereignty" until an opinion has been issued by the Venice Commission, and to fully address any of the Commission's concerns and recommendations both in letter and in spirit;

4.7. with respect to the Republic of Moldova: with reference to [Resolution 2484 \(2023\)](#), the Assembly welcomes the commitment of the Moldovan authorities to European integration and the programme of ambitious reforms, especially with regard to the judiciary and the fight against corruption and "State capture". It reiterates its position that, in order to ensure the necessary wide support for, and acceptance of, the reforms by the Moldovan society, it is essential that these reforms are implemented, and persons appointed, in accordance with legal provisions and Council of Europe standards and based on an inclusive bi-partisan consultation process. The Assembly welcomes the conclusion of the pre-vetting process for the Superior Council of Magistrates (SCM) and the Superior Council of Prosecutors (SCP) and the decision to extend this procedure to all judges and prosecutors in high-level positions. At the same time, it urges the authorities to ensure that the principle of non-retroactivity is reintroduced into the law that governs this procedure. The Assembly takes note of the amendments to the electoral legislation that introduce the possibility to ban for five years, members of the executive body and members who hold an elected office of political parties that have been declared unconstitutional by the Constitutional Court. It considers that such restrictions affect the right to stand for elections as enshrined in Article 3, Protocol 1 to the Convention (ETS No. 9) and should therefore be very strictly limited to clearly defined legal grounds, with the possibility of judicial review. It urges the Moldovan authorities to fully address the Venice Commission recommendations in this respect, well before the next elections take place. In this context, the Assembly takes note of the conclusions of the joint observation mission of the Congress of Local and Regional Authorities of the Council of Europe, the OSCE/ODIHR and the European Parliament for the first round of the local elections in the Republic of Moldova on 5 November 2023, that interference from abroad and restrictive measures imposed due to national security concerns negatively affected the election process;

4.8. with respect to Poland: the Assembly continues to express its concern with regard to the respect for the rule of law in the country and the deep polarisation between opposition and ruling majority which has permeated many levels of the Polish society and is affecting the functioning of the democratic institutions. The Assembly calls upon the Polish authorities to unconditionally implement the judgments of the European Court of Human Rights in the cases of *Xero Flor w Polsce sp. z o.o. v. Poland* (4907/18); *Reczkovicz v. Poland* (43447/19) and *Dolińska-Ficek and Ozimek v. Poland* (49868/19 and 57511/19). In this respect, it reiterates its call for the reform of the National Council of the Judiciary with the objective of re-establishing its independence from the executive, the absence of which is undermining the legitimacy of the judicial system in the country. The Assembly expresses its concern about the adoption of the law on "the State Commission for Investigating Russian Influences on the Internal Security of the Republic of Poland in the period of 2007-2022" which, according to the Venice Commission, is fundamentally flawed and could lead to serious violations of human rights and rule of law standards and norms. The Assembly notes that, while its members have been appointed, the State Commission is not yet functioning and urges the authorities to disband it and abrogate this law without delay. The Assembly reiterates its position in [Resolution 2513 \(2023\)](#) on the abuse of the Pegasus Spyware for political purposes and urges the Polish authorities to address its recommendations without delay;

4.9. with respect to Serbia: the Assembly welcomes the ongoing reform aimed at depoliticising the judiciary and encourages the authorities to adopt, according to a fixed time-schedule, the secondary legislation for its implementation, in line with the Venice Commission's recommendations. The Assembly also welcomes the progress in the implementation of the recommendations of the Group of States against Corruption (GRECO) concerning prevention of corruption in respect of members of

parliament, judges and prosecutors. It encourages the authorities to adopt an anti-corruption strategy and address the deficiencies in corruption prevention amongst persons with senior executive functions and the police. The Assembly urges the authorities to take further measures to combat organised crime and to show a genuine commitment to investigating and adjudicating war crimes cases. The Assembly takes note that pre-term parliamentary elections were called for 17 December 2023. In this respect, it is concerned about the frequent organisation of early elections at short intervals and urges the authorities to adopt further amendments to the electoral legislation in order to address long-standing issues identified by the Venice Commission and OSCE/ODIHR. With regard to freedom of expression, the Assembly remains concerned about attacks and smear campaigns against independent journalists and media outlets, human rights defenders, and civil society activists, and in particular about the increasing number of strategic lawsuits against public participation (SLAPPs). The Assembly calls on the authorities to intensify their efforts to combat all forms of violence against women. The Assembly expects the Serbian authorities to continue the peaceful dialogue with Kosovo<sup>\*2</sup> with a view to solving all outstanding issues;

4.10. with respect to Türkiye: the Assembly reiterates its extreme concern expressed in [Resolution 2518 \(2023\)](#) about the continued incarceration of Mr Osman Kavala and exhorts the authorities to release him without delay. The Assembly equally reiterates the concerns expressed in [Resolution 2459 \(2022\)](#) regarding the ongoing crackdown on members of the political opposition and civil society, the attempt to close the Peoples' Democratic Party (HDP), as well as the restrictions on freedom of expression and media freedom and the overbroad interpretation of anti-terror legislation. It calls on the authorities to carry out, without delay and in line with the recommendations of the Venice Commission, the necessary reforms to restore an effective system of checks and balances, to ensure full independence of the judiciary and freedom of expression. The Assembly furthermore calls on authorities to address the concerns about the electoral framework and to ensure the necessary conditions for free and fair local elections in 2024. It calls on the Turkish authorities to put an end to all forms of reprisals against politicians, lawyers, journalists, and civil society activists and to ensure a conducive environment for all civil society actors. Recalling its [Resolution 2494 \(2023\)](#), the Assembly calls on the authorities to implement the judgments of the European Court of Human Rights fully and speedily, in particular those relating to structural or complex problems which have not been resolved for over ten years;

4.11. with respect to Ukraine: the Assembly commends the unabated efforts by the Ukrainian authorities, and indeed whole society, to ensure the functioning of the democratic and rule of law institutions in the country, in spite of the challenging situation presented by the ongoing military aggression by the Russian Federation. It welcomes the ambitious reform agenda, and progress in its implementation with a view to honouring the obligations and commitments to the Council of Europe and to achieve the goal of European Union membership. It notes and welcomes the close co-operation developed with the Council of Europe, and especially the Venice Commission, in the drafting of these reforms. The Assembly acknowledges the efforts by the Ukrainian authorities to fight the endemic corruption in the country. Fully subscribing to the conclusions of the Venice Commission in its opinion on the "Ukrainian Law on the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life (oligarchs)", the Assembly welcomes the announcement that the authorities have now put the implementation of this law on hold and calls upon the authorities to withdraw this law altogether in favour of a systemic approach of strengthening existing tools and mechanisms as recommended by the Venice Commission. With regard to the ongoing efforts by the authorities to strengthen the independence and efficiency of the justice system, the Assembly welcomes the adoption of a reformed appointment procedure for Constitutional Court judges in which the international community plays a significant role. The Assembly acknowledges the diverse and multi-ethnic Ukrainian society and its strong multicultural traditions. It therefore welcomes the adoption of the Law on National Minorities (Communities) of Ukraine, and the subsequent amendments to address Venice Commission recommendations. However, it regrets that not all key recommendations were addressed and urges the authorities to revise, as foreseen in the Law on Minorities, the laws on the State language, media and education, in full compliance with international standards and in close consultation with the Venice Commission and minorities concerned.

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2. \* Throughout this text, 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.

5. Regarding the countries engaged in a post-monitoring dialogue:

5.1. with respect to Bulgaria: the Assembly welcomes the overcoming of the political instability in the country and the establishment, in June 2023, of a coalition government following the April early general elections (the fifth since April 2021). It welcomes the ongoing constitutional reform aimed at reinforcing the judicial independence, in particular by aligning the composition and appointment of the Judicial Supreme Council with European standards as well as by revising the competences and increasing the accountability of the Prosecutor General. The Assembly encourages the authorities to complete the legislative process taking fully into account the Venice Commission's recommendations. The Assembly welcomes the adoption of the Law amending and supplementing the criminal procedure code, the Law on the protection of whistle-blowers or persons publicly disclosing Information about violations, as well as the ongoing legislative process with regard to the draft Law on countering corruption among persons holding senior public office and Law on public procurement. At the same time, it urges the authorities to take further measures to continue efforts to combat high-level corruption. The Assembly calls on the authorities to adopt the legislation addressing the issue of concentration and transparency of media ownership with a view to increasing media pluralism;

5.2. with respect to Montenegro: the Assembly welcomes the democratic conduct of the recent national elections, leading to the formation of a new government but regrets that the electoral legislation was not reformed in time to implement the recommendations of the Venice Commission and OSCE/ODIHR. It calls on the new authorities to now implement the reforms needed to improve the independence of the judiciary, the trust in the electoral process, the fight against corruption, and the situation of the media, as called upon by [Resolution 2374 \(2021\)](#);

5.3. with respect to North Macedonia: the Assembly invites all political forces to reach a consensus on the revision of the Constitution that would allow the country to pave its way to the European Union. It encourages the authorities to step up the reforms launched to strengthen democracy, the rule of law and human rights. In particular, the Assembly urges the authorities to implement GRECO's recommendations from its Fourth and Fifth Evaluation Rounds concerning prevention of corruption respectively of members of parliament, judges and prosecutors and of persons with senior executive functions and the police. In this context, it also urges the authorities to fully address the recommendations of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) concerning combating money laundering and the financing of terrorism. The Assembly calls on the authorities to implement the judgments of the European Court of Human Rights fully and rapidly, in particularly those concerning ill-treatment by police. While welcoming the efforts to combat discrimination in general and to protect the rights of persons belonging to national minorities, the Assembly calls on the authorities to make further efforts to build an integrated multi-ethnic society and to improve the situation of Roma.

6. Regarding the countries that were subject in 2023 to the procedure for the periodic review of membership obligations to the Council of Europe:

6.1. with regard to France: with reference to [Resolution 2512 \(2023\)](#), the Assembly reiterates its call for legislative and constitutional reforms to address the Venice Commission's recommendations regarding the Superior Judicial Council, the status of magistrates and article 49 of the French Constitution. The Assembly urges the authorities to introduce an effective system of recording identity checks and to publish statistics on the number of people wounded or killed during protests with a view to improving the accountability of law enforcement officials. In that context, the Assembly strongly encourages the authorities to improve the prosecution of cases of unlawful violence committed by law enforcement officers and to reform the police and gendarmerie inspectorates so as to improve perceptions of their independence and impartiality. While it welcomes the measures taken by the authorities to reduce prison overcrowding, the Assembly notes that prison population statistics show that the situation is in practice worsening. It therefore recommends the authorities to consider introducing a binding mechanism for regulating the prison population;

6.2. with regard to the Netherlands: the Assembly takes note of the anticipated parliamentary elections that took place on 22 November 2023. It expects that the newly elected authorities will address the concerns and recommendations expressed in the Venice Commission's Opinion on the legal protection of citizens (prepared following the so-called child allowances scandal) and in the joint Opinion of the Venice Commission and Directorate General Human Rights and Rule of Law of the Council of Europe on legal safeguards of the independence of the judiciary from the executive power;

6.3. with regard to San Marino: in its [Resolution 2497 \(2023\)](#), the Assembly recognised the unique collegiate governing structures of San Marino which reflect the country's historic democratic heritage and its specificity as a micro-State. It welcomes the reforms undertaken to strengthen its system of checks and balances and to address vulnerabilities of its democratic institutions to corruption and conflicts of interest. The Assembly welcomes the central role of the Great and General Council, the Sammarinese Parliament, in the governance of the country and reiterates its recommendation for reforms that would improve the conditions for its members to execute their parliamentary tasks and to strengthen the equality of arms between legislature and executive. With regard to the media, the Assembly reiterates its concerns with regard to the strict privacy laws and the continuing criminalisation of defamation in San Marino which are hindering access to public information and could lead to self-censorship by journalists.

7. The Assembly welcomes the continuing outstanding close co-operation with the Venice Commission in the context of the parliamentary monitoring procedures, as evident from the high number of opinions requested and produced.

8. The Assembly acknowledges the efforts by the Monitoring Committee, including by the high-level exchange of views that took place during its meeting on 4 December 2023 in Rome, with regard to the implementation of the Reykjavík Declaration and especially to strengthen its capacity in terms of early warning, in line with the conclusions of the 2023 Council of Europe Summit and to give consideration to mechanisms to ensure that due account is taken of such early warnings, as decided by the Assembly in [Resolution 2515 \(2023\)](#). In that context, the Assembly invites the committee to continue its reflections on mechanisms to strengthen its reactivity and ability to quickly respond to developments in member States that are not under a full monitoring procedure, engaged in a post-monitoring dialogue or subject to periodic review of their obligations to the Council of Europe.