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TEXTS ADOPTED BY THE ASSEMBLY

Provisional versions

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Recommendation
2204 to 2208



Recommendation 2204 (2021)¹

Provisional version

Media freedom, public trust and the people's right to know

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 2382 \(2021\)](#) “Media freedom, public trust and the people's right to know”, welcomes the entering into force of the Convention on Access to Official Documents (CETS No. 205, the “Tromsø Convention”). However, it believes that the right of access to information should be broadened further, and that a strong and comprehensive set of transparency measures giving full effect to the right of access to information should be delivered, to advance toward a wide-ranging *right to know*.

2. Therefore, the Assembly recommends that the Committee of Ministers instructs the Steering Committee on Human Rights (CDDH), in collaboration with the Steering Committee on Media and Internet Society (CDMSI) as required to:

2.1. evaluate compliance by member States with [Recommendation CM/Rec\(2017\)2](#), [Recommendation CM/Rec\(2018\)1](#) and [Recommendation CM/Rec\(2020\)1](#), and to identify further action required for their effective implementation;

2.2. prepare a comprehensive report on the models for independent monitoring and oversight of the right of access to information in the member States, also bearing in mind the dimension of democratic culture developed by DGII in the Reference Framework of Competences for Democratic Culture;

2.3. launch a study to identifying good practice in the ecology of policy instruments that provide accountability throughout the policy-making and administrative process, considering in particular the conditions under which consultation, impact assessment of proposed legislation, freedom of information, the Ombudsman, *ex-post* legislative review, and administrative judicial review generate accountability;

2.4. draft, also based on this study, one or more soft law instruments, containing guidelines on:

2.4.1. proactive publication of information of public interest with a transparency by design approach; this should also regard private bodies that have a public mandate or operate in domains of high public interest, such as defence of human rights, environmental protection and combating corruption;

2.4.2. monitoring the implementation and identifying good practice in developing policy instruments that provide accountability throughout the policy-making and administrative process;

2.4.3. public access to information relating to the legislative and judiciary branches, including parliamentary question mechanism and debate rules, as well as free access to all judicial decisions, provided proper balance between the right of access and the protection of privacy is respected;

2.4.4. transparency of lobbying by private actors;

2.4.5. public access to company registers, specifying the types of data and documents that should be published.

1. *Assembly debate* on 22 June 2021 (17th sitting) (see [Doc. 15308](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Roberto Rampi). *Text adopted by the Assembly* on 22 June 2021 (17th sitting).



Recommendation 2204 (2021)

3. The Assembly also recommends that the Committee of Ministers develop co-operation with relevant regional and international bodies such as UNESCO, the World Bank and the Organization for Security and Cooperation in Europe on monitoring the right of access to information under the United Nations Sustainable Development Goals Indicator 16.10.2, aiming for a strong connection between transparency, open access, sustainable development, and defence of democratic and just societies.



Recommendation 2205 (2021)¹

Provisional version

Overcoming the socio-economic crisis sparked by the Covid-19 pandemic

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2384 \(2021\)](#) “Overcoming the socio-economic crisis sparked by the Covid-19 pandemic” and underscores the need for member States to honour their commitments under the European Social Charter (ETS No. 35 and ETS No. 163) by investing more in effective implementation of social rights. They can do so by expanding their fiscal capacity and public investment programmes, as well as by ensuring targeted support to private enterprises, where necessary, in exchange for the latter’s commitment to fully upholding socio-economic rights, maintaining and developing employment opportunities, contributing to the achievement of the Sustainable Development Goals and engaging in greening (rather than green-washing) their activities.
2. The pandemic context has highlighted the relevance of the European Social Charter as a benchmark for human development. As the Charter celebrates its 60th anniversary this year, the Assembly pays tribute to the ability of this living instrument to gradually embrace new developments in the socio-economic landscape of member States. It welcomes that the United Nations have in the recent decade recognised a series of new rights as fundamental human rights and believes these should be reflected in the European Social Charter, as well.
3. The Assembly thus recommends that the Committee of Ministers:
 - 3.1. mandate the European Committee of Social Rights to study the feasibility of adding new rights to the catalogue of rights already protected by the Charter and of expanding the reach of existing rights to all persons living under the jurisdiction of States Parties;
 - 3.2. call on the four countries which have not yet ratified the Protocol amending the European Social Charter (ETS No. 142, “Turin Protocol”) to do so as soon as possible and, regarding the election of the members of the European Committee of Social Rights by the Assembly, to ensure, in the absence of rapid progress, that the Assembly can fully discharge its appointed function in the Charter’s monitoring machinery by adopting a unanimous decision to that effect;
 - 3.3. call on all member States to sign, ratify and fully implement as many provisions as possible of the European Social Charter and its Protocols;
 - 3.4. accept in particular the system of collective complaints provided for under the Additional Protocol to the European Social Charter (ETS No. 158).

1. *Assembly debate* on 22 June 2021 (18th sitting) (see [Doc. 15310](#) and [addendum](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Andrej Hunko; and [Doc. 15322](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Elvira Kovács). *Text adopted by the Assembly* on 22 June 2021 (18th sitting).





Recommendation 2206 (2021)¹

Provisional version

Impact of the Covid-19 pandemic on children's rights

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2385 \(2021\)](#) "The impact of the Covid-19 pandemic on children's rights".
2. The Assembly is convinced that considering the rights of the child in all measures taken to tackle the pandemic and its consequences is essential for the future of our societies. The Council of Europe should support its member States in building resilient social protection systems and promote equal opportunities within and solidarity between countries.
3. The Assembly notes that a solid foundation for addressing the impact of the pandemic on children is provided by Council of Europe instruments, such as the European Convention on Human Rights (ETS No. 5), the European Social Charter (ETS No. 163), the Convention on preventing and combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention"), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention"), the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), the Convention on Cybercrime (ETS No. 185, "Budapest Convention") and the Convention on Action against Trafficking in Human Beings (CETS No. 197).
4. The Assembly thus recommends that the Committee of Ministers:
 - 4.1. consider a possible review of the post Covid-19 pandemic recovery programmes of Council of Europe member States from the perspective of the rights of the child, based on the UN Convention on the Rights of the Child, and the legal standards agreed upon in the framework of the Council of Europe;
 - 4.2. endorse the proposals of the Secretary General of the Council of Europe on reinforcing the European Social Charter system; convene the Conference of the Parties without delay; integrate a parliamentary dimension in this reform process, including with a view to making all of the provisions of the Turin Protocol (ETS No.142) applicable; and ensure that children's rights are duly taken into consideration in the process;
 - 4.3. assess the application of the European Social Charter for improving the protection of children and their families in times of pandemic and in subsequent socio-economic recovery, and consider a possible additional protocol on effective social protection in situations of crisis;
 - 4.4. examine possibilities of further extending participation of the non-member States of the Council of Europe in its co-operation programmes on the rights of the child, with special focus on low-income countries;
 - 4.5. promote the use of child rights impact assessments, and child rights budgeting mechanisms for any national policies applied in response to future crisis situations, through the work of the Council of Europe, including under the upcoming Strategy for the Rights of the Child (2022-2027);

1. *Assembly debate* on 22 June 2021 (18th sitting) (see [Doc. 15311](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Baroness Doreen Massey). *Text adopted by the Assembly* on 22 June 2021 (18th sitting).



4.6. call a Pan-European seminar to actively promote collaboration and co-operation between the European Parliament, the European Commission and the Council of Europe with the aims of consolidating how they might support a strategy for pro-active and concrete suggestions for future action on the impact of Covid-19.



Recommendation 2207 (2021)¹
Provisional version

For a European policy on diasporas

Parliamentary Assembly

1. Referring to its [Resolution 2388 \(2021\)](#) “For a European policy on diasporas”, the Parliamentary Assembly emphasises the importance of providing support to European States in order to develop effective diaspora engagement policies by creating a European institutional and political framework for co-operation between governments and diasporas.

2. The Assembly considers that the Council of Europe could play a major role in formulating a European policy on diasporas, taking into account the work of the Special Representative on Migration and Refugees, and the newly established Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), and by bringing together the multiple actors that shape national diaspora policies, namely parliaments, governments, diaspora associations, NGOs, media and research institutions. In this context it invites the Committee of Ministers to:

- 2.1. elaborate a White Paper on good practices of diaspora engagement within member States;
- 2.2. design a methodology for mapping diaspora and carrying out an evaluation of diaspora engagement strategies, in the light of Council of Europe standards for integration and inclusion;
- 2.3. establish a European forum of diasporas as a platform for international exchanges between different diaspora communities;
- 2.4. encourage the Congress of Regional and Local Authorities to consider the role of local and regional authorities in engaging and co-operating with diaspora members in devising and implementing measures aimed at promoting integration and avoiding exclusion, xenophobia, radicalisation and extremism.

1. *Assembly debate* on 24 June 2021 (21st sitting) (see [Doc. 15250](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Paulo Pisco). *Text adopted by the Assembly* on 24 June 2021 (21st sitting)





Recommendation 2208 (2021)¹
Provisional version

Transparency and regulation of donations to political parties and electoral campaigns from foreign donors

Parliamentary Assembly

1. The Parliamentary Assembly refers to [Resolution 2390 \(2021\)](#) “Transparency and regulation of donations to political parties and electoral campaigns from foreign donors”.
2. It recalls that political parties play a key role in the democratic systems of Council of Europe member States and are essential tools of expression of the political will of citizens and of organising political debates and campaigns in a democratic society.
3. Citizens’ confidence in the integrity and independence of the democratic decision-making process, which is of crucial importance to ensure acceptance and resilience of democracy, depends, *inter alia*, on the internal functioning of political parties including their financing and accountability and the prevention of corruption.
4. The Assembly expresses concern with reported attempts to interfere improperly or illicitly in democratic decision making in member States through financial contributions by foreign States or State-linked entities to political parties and electoral campaigns.
5. In view of the above, the Assembly calls upon the Committee of Ministers to:
 - 5.1. consider carrying out further work in the field of foreign financing of political parties and electoral campaigns, building on relevant existing standards,
 - 5.2. ask the Group of States against Corruption (GRECO) to consider focusing on the specific area of foreign financing of political parties and electoral campaigns in its forthcoming evaluation rounds.

1. *Assembly debate* on 24 June 2021 (22nd sitting) (see [Doc. 15302](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Konstantin Kuhle). *Text adopted by the Assembly* on 24 June 2021 (22nd sitting).



Resolutions
2381 to 2390



Resolution 2381 (2021)¹
Provisional version

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

Parliamentary Assembly

1. The Parliamentary Assembly stresses the crucial importance, in a living democracy, of politicians being able to freely exercise their mandates. This requires a particularly high level of protection of politicians' freedom of speech and freedom of assembly, both in parliament and when speaking to their constituents in public meetings or through the media, including social media.
2. The European Convention on Human Rights (ETS No. 5, "the Convention") protects everyone's freedom of speech, including the right to make statements that "shock or disturb" those who do not share the same opinions, as established in the case law of the European Court of Human Rights ("the Court").
3. The Assembly also notes that freedom of speech is not unlimited and should be enforced while ensuring full respect of the rule of law. Hate speech condoning violence against certain persons or groups of persons on the grounds of race, origin, religion or political opinions, as well as calls for the violent overthrow of democratic institutions are not protected. Politicians even have a special responsibility, due to their high visibility, to refrain from such abuses.
4. Everyone, and in particular politicians, has the right to make proposals whose implementation would require changes of the constitution, provided the means advocated are peaceful and legal and the objectives do not run contrary to the fundamental principles of democracy and human rights.
5. This includes calls to change a centralist constitution into a federal or confederal one, or vice versa, or to change the legal status and powers of territorial (local and regional) entities, including to grant them a high degree of autonomy or even independence.
6. The Assembly considers that freedom of expression and freedom of assembly and association must be enforced without discrimination on any grounds, as stipulated by Article 14 of the Convention.
7. The Assembly recalls its [Resolution 1900 \(2012\)](#) "The definition of political prisoners". It considers that any politicians who are detained for having made statements in the exercise of their political mandates that respect the limits of freedom of speech recalled above fall under the said definition and should be released without delay.
8. Concerning more specifically Turkey, the Assembly recalls its [Resolution 2156 \(2017\)](#) and [Resolution 2376 \(2021\)](#) "The functioning of democratic institutions in Turkey" and notes that numerous politicians are incarcerated for statements they made in the exercise of their political mandates.
 - 8.1. Some stand accused or have even been convicted and handed long prison terms on the basis of criminal provisions penalising links to and support for terrorist organisations for merely referring to the inhabitants of the south-eastern region of Turkey as "Kurds", or to the region in question as the

1. *Assembly debate* on 21 June 2021 (16th sitting) (see [Doc. 15307](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Boriss Cilevičs; and [Doc 15321](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Mr Pere López). *Text adopted by the Assembly* on 21 June 2021 (16th sitting).



“Kurdish region”, or for advocating greater autonomy for this region, or for criticising the actions of the security forces in this region, or even merely requesting information on these actions in the form of parliamentary questions.

8.2. Others have been prosecuted for insult to the President, or to other representatives of the State, for merely criticising, as opposition politicians, the policies pursued by the government in different fields, including the management of the economy and the fight against corruption.

8.3. These cases are particularly egregious as they have arisen after numerous findings by the Court of violations of freedom of speech in similar circumstances. In the case of Mr Demirtaş, the president of one of the main opposition parties, the authorities openly defy a judgment by the Court, which ordered Mr Demirtaş’ immediate release. Also, the incriminated political statements often date back several years, to when the position of the government was more tolerant with regard to the Kurdish issue and the politicians in question could not predict that their statements would one day be considered as criminal. Typically, these prosecutions take many years, during which the accused politicians are either in pre-trial detention, or otherwise prevented from exercising their political mandates.

8.4. While reiterating its unequivocal condemnation of PKK terrorism, as much within as outside Turkey, in line with [Recommendation 1266 \(1995\)](#), [Resolution 1754 \(2010\)](#), [Resolution 1925 \(2013\)](#) and [Resolution 2156 \(2017\)](#), the Assembly notes that the unclear wording and overly broad interpretation of Turkish legislation concerning the fight against terrorism, and the harsh penalties, including prison terms, handed down in actual practice for insult or defamation by criminal courts appear to violate the Convention as interpreted by the Court.

8.5. The Assembly condemns the removal and imprisonment of at least 47 democratically elected mayors from office (including the mayors of Diyarbakir, Van, Mardin and Kars), based on questionable evidence and their arbitrary replacement by unelected trustees appointed by the central government.

8.6. The Assembly notes that the independence of the Turkish courts has been put more and more into doubt. Instances of public accusations made by senior officials that were soon followed by the arrest and prosecution of the individuals concerned confirm the perception of the judiciary’s lack of independence.

8.7. The Assembly recalls that the parliamentary immunity of 139 mainly opposition members of parliament was withdrawn in 2016 in a collective procedure not allowing for individual members to defend themselves. To achieve this, the parliament even adopted an ad hoc temporary change of the constitution suspending the normal protections to the detriment of this group of parliamentarians.

8.8. The Assembly finally notes that politicians belonging to opposition parties, journalists and civil society activists were excluded *de facto* from extraordinary pardons and reductions of prison terms motivated by the need to reduce prison overcrowding in the face of the Covid-19 pandemic.

9. As regards more specifically Spain, the Assembly recognises that Spain is a living democracy, with a culture of free and open public debate, and that the mere expression of pro-independence views is not a ground for criminal prosecution. The Assembly fully respects the constitutional order of Spain. Nevertheless, several senior Catalan politicians were prosecuted and eventually convicted to long prison terms for sedition and other crimes, *inter alia* for statements made in the exercise of their political mandates, in support of the unconstitutional referendum on the independence of Catalonia in October 2017 – organised by application of the “disconnection laws” approved by the Parliament of Catalonia in September 2017 and found to be unconstitutional by the Spanish Constitutional Court – and calling for participation in the mass protests surrounding this event.

9.1. Incriminatory statements included public speeches supporting the unconstitutional referendum in October 2017 on the independence of Catalonia and calling for participation in several demonstrations, as well as votes in the Catalan Parliament expressing the same support or allowing debates on this topic to be included in the agenda of parliament. The Assembly notes that the referendum had previously been ruled unconstitutional by the Spanish Constitutional Court, which had also warned the politicians in question against organising it.

9.2. Some of the politicians in question were also found guilty of abusing public funds and other resources, in particular by allowing public buildings to be used as polling stations.

9.3. The Assembly notes that the crime of organising an illegal referendum, punishable by up to 5 years in prison, was abrogated by the Spanish legislature in 2005. In this reform of the Criminal Code, the crime of sedition, punishable by up to 15 years in prison, which requires an element of violence (“tumultuous uprising”) remained unchanged. The organisers of the illegal referendum on 1 October 2017 were convicted of sedition.

9.4. It is undisputed that none of the politicians in question called for violence. To the contrary, it is recognised, also by the prosecution, that they called on demonstrators to refrain from any violent acts. Indeed, on several occasions, hundreds of thousands of demonstrators turned out without there being any violent incidents, thanks also to the restraint exercised most of the time by the Catalan and Spanish security forces, who were also deployed in large numbers.

9.5. The Assembly warmly welcomes the fact that the criminal provisions on rebellion and sedition have become subject to intense debate in the political and legal spheres in Spain, in particular as regards the need to update and restrict the definition of the crime of sedition. They were enacted in response to the frequent attempts at military takeover in the past. Doubts were therefore expressed as to their application to the organisers of peaceful demonstrations. This required novel interpretations such as the notion of “violence without violence” developed by the prosecution, according to which the sheer number of demonstrators exercised psychological coercion on the police officers facing them, and a very wide meaning given to the term of “tumultuous uprising” required for the crime of sedition.

9.6. The Assembly further notes that, even after the conviction of the leading Catalan politicians involved in the 2017 unconstitutional referendum, the Spanish judicial authorities have also prosecuted the next set of Catalan leaders and a number of lower-ranking Catalan officials involved in the events in 2017. The Spanish authorities also continue to pursue the extradition of Catalan politicians living in other European countries, despite several setbacks in German, Belgian and United Kingdom courts. It finally notes on a positive note that several high-profile prosecutions, of the head of the Catalan police force and of members of the Catalan election commission, recently ended in acquittals.

9.7. Reportedly, the Spanish authorities have made the application of the milder prison regime usually applied to non-violent offenders or the consideration of a pardon subject to the prisoners expressing regrets for their actions and/or an undertaking not to commit further crimes, as is the case for all convicts under Spanish law. The prisoners in question consider that they cannot be obliged to disown their deeply held political convictions.

9.8. The Assembly finally respects the independence of the Spanish tribunals to solve pending appeals, respecting as well the right to appeal to the European Court of Human Rights in due course.

10. In view of the above, the Assembly invites:

10.1. all member States of the Council of Europe to:

10.1.1. ensure that everyone, including politicians, enjoy freedom of speech and assembly in law and practice and refrain from imposing any restrictions not covered by the Convention as interpreted by the Court;

10.1.2. notably examine their relevant criminal provisions and their application in practice, in light of the judgments and decisions of the Court also vis-à-vis other countries, to ensure that their provisions are drafted sufficiently clearly and narrowly and that they do not lead to disproportionate penalties;

10.1.3. free without delay any and all politicians who fulfil the Assembly’s definition of political prisoners in line with [Resolution 1900 \(2012\)](#);

10.2. the Turkish authorities to:

10.2.1. urgently release Mr Selahattin Demirtaş, thereby implementing the European Court of Human Rights’ judgment and the decision of the Committee of Ministers;

10.2.2. take urgent steps to restore the independence of the judiciary, and in particular of the criminal courts, and refrain from making public allegations that could be interpreted as instructions to the courts by senior officials;

10.2.3. refrain from systematically prosecuting politicians for terrorism-related offenses whenever they refer to the Kurdish people or the Kurdish region as such or criticise the actions of the security forces in this region;

- 10.2.4. re-examine all cases of politicians prosecuted or even convicted because of statements they made in the exercise of their political mandate; and to terminate any prosecutions and release those detained on such grounds, provided the politicians' statements concerned did not call for or condone violence or the overthrow of democracy and human rights;
- 10.2.5. uphold and strengthen the privileges and immunities of members of parliament in the face of politically motivated prosecutions, in particular when they concern statements made by politicians in the exercise of their political mandate;
- 10.2.6. recognise as elected the six mayoral candidates who received the highest number of votes during the local elections of 31 March 2019 but have been denied the mayoral mandate, and reinstate the three mayors who were suspended by the decision of the Supreme Election Council of 11 April 2019, or implement an alternative solution which respects the will of the voters, as recommended by the European Commission for Democracy through Law (Venice Commission) in its opinion on "Turkey – The replacement of elected candidate and mayors" adopted on 19 June 2020 and in line with Assembly Resolution 2347(2020) "New crackdown on political opposition and civil dissent in Turkey: urgent need to safeguard Council of Europe standards;
- 10.2.7. refrain from discriminating against political opponents in deciding on early releases from detention prompted by the need to reduce prison overcrowding due to the Covid-19 pandemic;
- 10.2.8. promote a culture of open debate in the political sphere, on all issues, including sensitive ones, without the use or threat of criminal sanctions against politicians who are peacefully exercising their political mandates and to treat even fundamental opposition as a necessary and welcome part of a living democracy;
- 10.2.9. sign and ratify the Framework Convention for the Protection of National Minorities (ETS No. 157) and co-operate with its monitoring mechanism;
- 10.3. the Spanish authorities to:
 - 10.3.1. reform the criminal provisions on rebellion and sedition in such a way that they cannot be interpreted so as to undo the decriminalisation of the organisation of an illegal referendum, intended by the legislature when it abolished this specific crime in 2005, or lead to disproportionate sanctions for non-violent transgressions;
 - 10.3.2. consider pardoning or otherwise release from prison the Catalan politicians convicted for their role in the organisation of the October 2017 unconstitutional referendum and the related peaceful mass demonstrations, and consider dropping extradition proceedings against Catalan politicians living abroad who are wanted on the same grounds;
 - 10.3.3. drop the remaining prosecutions also of the lower-ranking officials involved in the 2017 unconstitutional referendum and refrain from sanctioning the successors of the imprisoned politicians for symbolic actions merely expressing their solidarity with those in detention;
 - 10.3.4. ensure that the criminal provision on misappropriation of public funds is applied in such a way that liability arises only when actual, quantified losses to the State budget or assets can be established;
 - 10.3.5. refrain from requiring the detained Catalan politicians to disown their deeply held political opinions in exchange for a more favourable prison regime or a chance of pardon; they may however be required to undertake to pursue their political objectives without recourse to illegal means;
 - 10.3.6. enter into an open, constructive dialogue with all political forces in Catalonia, including those opposing independence, in order to strengthen the quality of Spanish democracy through the authority of the rule of law, good governance and total respect of human rights, without recourse to criminal law, but in full respect of the constitutional order of Spain and reach a compromise that enables Spain, a strong European democracy, to settle political differences, including on sensitive issues;
 - 10.3.7. implement these recommendations according to the principles of the rule of law as defined by the Council of Europe, paying due attention to the principle of equality of all citizens before the law.



Resolution 2382 (2021)¹

Provisional version

Media freedom, public trust and the people's right to know

Parliamentary Assembly

1. Democracy is only a facade without an informed exercise of the right to vote, and citizens' entitlement to a responsible democratic participation in policy- and decision-making processes through substantial public and parliamentary debate, as fundamental means to effective democratic control over the action of governments and legislators.
2. There is no democracy without a real possibility of making conscious choices. This can only be ensured if the public is duly informed and can freely inform itself; if a real debate of ideas on a wide range of issues can take place on the basis of exact, precise and complete knowledge of factual elements; and if everyone has the necessary capacity and culture to critically analyse the various points of view and can express themselves without fear. Furthermore, these conditions are essential for people's elected representatives to exercise their mandate effectively and responsibly.
3. Today, our democratic values and the functioning of our democratic institutions are challenged by post-truth narratives, disinformation, narrow agenda-setting powers and recurrent attempts to manipulate public opinion. Furthermore, recent developments have often eroded parliamentary prerogatives and their fundamental mediating role in a democratic society. A growing sense of divide between governing institutions and the general public have increased public distrust, endangering democratic governance and the efficiency in implementing public policy.
4. Therefore, for the Parliamentary Assembly, there is a need to establish a wide *right to know*, defined as the citizen's civil and political right to be actively informed of all aspects regarding all stages of the policy-making and administrative/rule-making processes, in order to allow for full democratic participation, and hold public goods administrators to account according to the standards of human rights and the rule of law.
5. Limitations to the right to know, intended to protect national security, the right to privacy or of other human rights, must be narrowly defined.
6. The right to know has three active dimensions for implementation: direct obligations that public authorities, and public or private institutions which exercise public functions, have to respect independently of specific requests; the right for citizens to be notified, be informed, have access to relevant information and contribute to the development and appraisal of laws, regulations, and other policy instruments; and an educational and cultural environment prone to enhancing and stimulating citizens' continued learning in an informational society.
7. To give full effect to a citizen's right to know, an ecology of public policy instruments is required, including mechanisms of consultation, notice and comment, impact assessments and *ex-post* regulatory and legislative evaluation.
8. The entry into force of the Convention on Access to Official Documents (CETS No. 205, the "Tromsø Convention") is a significant step forward in the right direction, which the Assembly welcomes. Still, it notes with concern that the take up of the Tromsø Convention has been very poor.

1. *Assembly debate* on 22 June 2021 (17th sitting) (see [Doc. 15308](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Roberto Rampi). *Text adopted by the Assembly* on 22 June 2021 (17th sitting). See also [Recommendation 2204 \(2021\)](#).



9. The media hold a key role in agenda-setting and providing timely, pluralist and reliable information. They must be free from any pressure, including direct verbal and physical attacks, but also legal harassment in the form of strategic lawsuits against public participation (SLAPPs). The assaults against journalists and intimidation of the media are major threats to the people's right to know. It is therefore crucial that Council of Europe standards on media freedom, editorial independence and pluralism, protection of journalists, funding benchmarks and guarantees, and the transparency of media ownership are fully implemented and adequately monitored.
10. Citizens must be aware of who is behind the news and know the entire ownership structure of media outlets up to beneficial owners as well as information-sharing agreements between the media outlet and other entities. This information is not always easy to find or track, especially if media ownership structures are transnational. The Assembly considers that this information must be made public.
11. Likewise, access to the information contained in company registers is essential for citizen watchdogs, such as anti-corruption civil society groups, and for investigative journalists to track possible illegal actions. Denying access to data on company ownership and structures, or significantly restraining it, including by prohibitive costs, limits the public's right to know, and may open the door to corruption, fraud, money-laundering, human rights violations, and other illegal activity.
12. While the right to know aims to enhance meaningful citizen participation in the decision-making process, there needs to be transparency of any participation exercises carried out and of the input from interest groups, including professional lobbyists, business associations and organised civil society.
13. The Assembly is concerned that, in most member States, there are no transparency regimes guaranteeing that civil society, journalists and the public can obtain information about how artificial intelligence is being used and how data feeds into automated decision making. Moreover, the Assembly trusts that ensuring that the wider public has free and easy access to scientific and other scholarly knowledge has significant society benefits.
14. Moreover, the citizen's right to know is intrinsically linked to free, easy and life-long access to cultural instruments as indispensable tools in the development of a critical and independent understanding of information and of the active, inclusive and conscious participation in a democratic society. Art is a beneficial vehicle for the enhancement of critical thinking capabilities. To this end, the wide-spread presence of cultural avenues such as libraries, theatres, museums and live music, is to be promoted and inclusion of all societal actors in cultural life enhanced.
15. The main role and primary responsibility for safeguarding the right to know lies with the member States and with public authorities. However, other actors, such as public and private media, educational and cultural institutions, come into play and must assume their share of responsibility in educating active and knowledgeable citizens. The actions of the various stakeholders must be coherent and synergistic, hence partnerships between these several actors are crucial.
16. Consequently, the Assembly calls on member States to:
 - 16.1. recognise the right to know as the citizen's civil and political right to be actively informed of all aspects regarding all stages of the policy-making and administrative/rule-making processes, in order to allow for full democratic participation, and hold public goods administrators to account according to the standards of human rights and the Rule of Law;
 - 16.2. ratify the Tromsø Convention, if they have not yet done so, also committing to optional provisions on legislative and judicial transparency, and to bring their access to information laws into line with the highest convention standards;
 - 16.3. support the rapid establishment of the Tromsø Convention Monitoring Committee and to commit sufficient funds for it to operate effectively;
 - 16.4. promote and participate in Europe-region-wide knowledge exchanges on best practices regarding the implementation of the right of access to information, which could also be of great value for the Tromsø Convention Monitoring Committee;
 - 16.5. develop and implement, in parallel with the consolidation of existing standards set by the Tromsø Convention, complementary measures for the effective safeguard of the right to know in accordance with the principles set out in this resolution and, in particular, to ensure that there is an effective collection, compilation and timely publication of information of public interest, with a transparency by design approach;

16.6. take inspiration from the European Union [Non-Financial Reporting Directive 2014/95](#), so as to make provisions for extending access to information laws to all private bodies performing public functions or operating with public funds, and for ensuring publication by larger companies of specific information in the crucial domains of public interest such as respect for human rights, anti-corruption and bribery, environmental protection, social responsibility, treatment of employees, diversity within company boards in terms of age, gender, educational and professional background;

16.7. adopt legislation which ensures transparency of lobbying, in line with the [Recommendation CM/Rec\(2017\)2](#) of the Committee of Ministers to member States on the legal regulation of lobbying activities in the context of public decision making;

16.8. co-operate with the Group of States against Corruption (GRECO) and other relevant international actors, as well as with civil society, to develop a legal framework allowing and facilitating access to information contained in company registers, also building on best practices developed by countries that have open company registers;

16.9. bring their legislation and practice into line with [the Assembly Resolution 2065 \(2015\)](#) "Increasing transparency of media ownership" and [Recommendation CM/Rec\(2018\)1](#) of the Committee of Ministers to member States on media pluralism and transparency of media ownership, in order to fully implement Council of Europe standards concerning transparency of media ownership and financing, and to request full transparency in the stipulation and execution of information-sharing agreements that media conclude with third actors;

16.10. establish an independent national monitoring system of the legality, correctness and completeness of information delivered by all national media, and to make the disaggregated data from this monitoring exercise public at least on a monthly basis;

16.11. review funding mechanisms and avoid budget cuts to the media sector, with a view to preserve and enhance an open and pluralistic media landscape, and to fully implement the multiple relevant Council of Europe recommendations on the matter;

16.12. bring their legislation and practice into line with [Recommendation CM/Rec\(2020\)1](#) of the Committee of Ministers to member States on the human rights impacts of algorithmic systems, and organise debates on transparency of algorithms used by social media companies, bringing together relevant stakeholders, to discuss how to ensure parliamentary and citizen oversight of these algorithms;

16.13. encourage the producers and publishers of knowledge to make their works available free of charge in open formats, and to support good practices on open access, so that research results are more accessible to all societal actors, with a view to delivering better science and innovation data in the public and private sectors;

16.14. create and reinforce instruments for the wide-spread diffusion of cultural knowledge; promote, in this respect, the role of libraries, museums, theatres, live-music venues and other cultural institutions, and establish a minimum monitored measure for their presence *pro capita*.

17. Members of parliament have an enhanced right of access to information. Elected officials may be granted access to otherwise confidential information and play a crucial role in mediating public debate between different levels of society and safeguarding minority rights. Therefore, the Assembly calls on the national parliaments to analyse and evaluate the mechanisms of participation in the decision-making process at all levels, including the agenda-setting and allocated times of parliamentary debates and questions, seeking to ensure that the issues of public interest are fully debated and information of public interest enters the public domain.

18. The Assembly calls on members of parliament to engage in a co-ordinated debate on setting common shared rules regarding the application and revision of confidentiality standards among member States and regional institutions, in particular regarding voting procedures, aiming at countering the culture of secrecy in order to avoid public distrust, and with a view to reinforcing the citizens' right to know.



Resolution 2383 (2021)¹
Provisional version

Covid passes or certificates: protection of fundamental rights and legal implications

Parliamentary Assembly

1. The socio-economic cost of Covid-19-related restrictions continues to be huge and the political pressure to limit and withdraw them is real and understandable. At the same time, the sanitary situation remains very precarious – Covid-19 is still a disease that could easily run out of control, causing further widespread sickness and death. In this respect, the Parliamentary Assembly recalls its [Resolution 2338 \(2020\)](#) “The impact of the Covid-19 pandemic on human rights and the rule of law”, in which it recalled that “the positive obligations under the European Convention on Human Rights (ETS No. 5, “the Convention”) require States to take measures to protect the life and health of their populations”. Furthermore, sustainable socio-economic recovery will only be possible once the disease is durably under control. Vaccination will be an essential public health measure for achieving this, but insufficient by itself.
2. Numerous European States have shown a desire to introduce a system of Covid pass or certificate, which would constitute official documentation of an individual's having been vaccinated against Covid-19, having recovered from Covid-19, and/ or of having tested negative for SARS-CoV-2 infection. Certification of vaccination status has legitimate and valuable medical uses. The use of Covid passes to allow the resumption of enjoyment of certain rights or freedoms, by partially lifting restrictions, is fraught with legal and human rights complications, and above all depends on a high degree of certainty about medical risks.
3. Vaccination and recovery from past infection may well reduce the risk of transmission, but the extent and duration of this effect are currently uncertain. Furthermore, different vaccines and vaccination regimes may vary in their effectiveness at reducing transmission risk, and vary in their effectiveness against SARS-CoV-2 variants. A negative test result is only indicative of a historical situation, which can change at any moment after the sample is taken. These differences are relevant to whether specific use cases of Covid passes are medically justified and non-discriminatory.
4. If Covid passes are used as a basis for preferential treatment, they may have an impact on protected rights and freedoms. Such preferential treatment may amount to unlawful discrimination within the meaning of Article 14 of the Convention if it does not have an objective and reasonable justification. This requires that the relevant measure pursues a legitimate aim, and is proportionate. Proportionality requires a fair balance between protecting the interests of the community (the legitimate aim) and respect for the rights and freedoms of the individual.
5. Discrimination may be due to either treating people differently on the basis of an irrelevant distinction, or treating in the same way people who are different in relevant ways. Whether or not a Covid pass reflects a relevant distinction depends on the extent to which the specific medical status that it represents implies a significant difference in the risk of the holder transmitting the SARS-CoV-2 virus to others. A significantly lower risk of transmission may also imply that restrictions on rights and freedoms are no longer justified for the individual concerned, regardless of the situation of others.

1. *Assembly debate* on 22 June 2021 (17th sitting) (see [Doc. 15309](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Damien Cottier; and [Doc 15323](#), opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Carmen Leyte). *Text adopted by the Assembly* on 22 June 2021 (17th sitting).



6. The extent to which a justification for differential treatment is objective and reasonable depends on the nature of the right or freedom in question and the severity of the interference. National authorities should carefully distinguish between different use cases for Covid passes on the basis of the rights and freedoms affected, and the duration of the exemption from restrictions that the pass allows. Similarly, should private actors be able (or even obliged by law) to require presentation of a Covid pass before serving customers, careful distinction should be drawn between essential and non-essential goods and services. The duration of differential treatment based on Covid passes may also be relevant to whether it is proportionate.
7. The assessment of the risk of transmission should take account of the specific context to which holders of a Covid pass would be admitted, including whether they will come into contact with people who have no immunity against Covid-19, whether those people are at a higher risk of severe illness or death from the illness, and whether variants of the virus, especially those that are more easily transmissible or may be vaccine-resistant, are locally present, or could be introduced by the holder.
8. Until clear and well-established scientific evidence exists, it may be discriminatory to lift restrictions for those who have been vaccinated whilst maintaining them for those who have not. The only ground for distinguishing between the two groups would be the basis on which vaccination had been targeted. But this basis alone – most commonly, vulnerability to Covid-19 – may not be relevant to lifting restrictions intended to halt transmission of the disease.
9. Even should the scientific evidence be sufficient to justify preferential treatment of holders of Covid passes, there may be valid public policy reasons for not using them. Their use may undermine the fundamental link between human rights, responsibility, and solidarity, which is essential in the management of health risks. Expenditure on a Covid pass system may divert scarce resources away from other measures that could reopen society more quickly for everyone. This would be especially harmful if the ‘window of opportunity’ was relatively short between there being sufficient scientific evidence to justify the use of Covid passes, and the total number of vaccinated being high enough to relax restrictions generally.
10. If the consequences of refusing vaccination – including continuing restrictions on the enjoyment of freedoms, and stigmatisation – are so severe as to remove the element of choice from the decision, vaccination may become tantamount to compulsory. This may lead to a violation of protected rights, and/ or be discriminatory. The Assembly recalls its [Resolution 2361 \(2020\)](#) “Covid-19 vaccines: ethical, legal and practical considerations”, in which it called on member States to “ensure that citizens are informed that the vaccination is not mandatory and that no-one is under political, social or other pressure to be vaccinated if they do not wish to do so”. Any indirect undue pressure on people who are unable or unwilling to be vaccinated may be mitigated if Covid passes are available on grounds other than vaccination.
11. A Covid pass would be based on sensitive personal medical information that should be subject to strict data protection standards. These include having a clear basis in law, which is relevant also to the acceptability of measures that may restrict rights or lead to potentially discriminatory treatment.
12. The Assembly recalls the information document on “Protection of human rights and the ‘vaccine pass’” issued by the Secretary General of the Council of Europe, the “Statement on human rights considerations relevant to ‘vaccine pass’ and similar documents” issued by the Council of Europe Committee on Bioethics (DH-BIO) and the “Statement on Covid-19 vaccination, attestations and data protection” issued by the Council of Europe Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD).
13. The Assembly therefore calls on the member States of the Council of Europe to:
 - 13.1. continue implementing the full range of public health measures needed to bring Covid-19 durably under control, in accordance with their positive obligations under the European Convention on Human Rights, and institute Covid pass regimes only when clear and well-established scientific evidence exists that such regimes lower the risk of transmission of the SARS-CoV-2 virus to an acceptable level from a public health point of view;
 - 13.2. take full account of the latest evidence and expert advice, in particular from the World Health Organization (WHO), when implementing measures such as Covid passes that involve relaxation of restrictions intended to prevent the spread of the SARS-CoV-2 virus;

13.3. ensure that measures such as Covid passes that exempt their holders from certain restrictions on protected rights and freedoms are applied in such a way as to maintain effective protection against the spread of the SARS-CoV-2 virus and avoid discrimination, in particular by ensuring that:

13.3.1. vaccination is available to everyone equally, and if it is not, that there is an objective and reasonable justification, which should not include ability to pay or any other grounds that could give rise to unlawful discrimination, for prioritising certain groups over others;

13.3.2. different categories of Covid passes are available to groups of people with different characteristics that are proven to reduce their risk of transmitting the SARS-CoV-2 virus;

13.3.3. the availability of Covid passes based on recent negative tests is not limited to those with the ability to pay, on account of tests being unduly expensive;

13.3.4. the extent to which the holders of different categories of Covid pass are exempted from restrictions is consistent with the extent to which the risk of their transmitting the SARS-CoV-2 virus is reduced, and due account is taken of the current epidemiological situation in the country concerned;

13.3.5. due account is taken of the fundamental difference in medical status between people who have acquired immunity through vaccination or recovery from infection on the one hand, and people who have recently tested negative for infection on the other, and of the resulting difference in transmission risk between these two groups;

13.3.6. due account is taken of the relative effectiveness of immunity acquired through vaccination or recovery from infection, and the relative effectiveness of different vaccines and vaccination regimes, in preventing transmission of SARS-CoV-2, including variants;

13.3.7. due account is taken of the relative transmission risks involved in different activities that might be permitted for holders of Covid passes, especially where they may come into contact with people who have not acquired immunity through vaccination or prior infection and whether those people are at a higher risk of severe illness or death from the illness;

13.3.8. due account is taken of the situation of those who for medical reasons cannot, or, for reasons of personal opinion or belief, decline to be vaccinated; as regards the latter group, that any system of Covid pass does not become tantamount to coercion and effectively make vaccination compulsory;

13.3.9. Covid passes are available in both digital format and on paper;

13.4. ensure that any system of Covid pass has a clear basis in law;

13.5. ensure that any Covid pass system complies fully with Council of Europe standards on data protection and privacy, notably those of the European Convention on Human Rights and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its amending Protocol (ETS No. 108 and CETS No. 223, "Conventions 108 and 108+"), and give preference to systems involving decentralised data storage;

13.6. ensure that appropriate measures are taken to prevent counterfeiting or other criminal abuse of Covid passes, in accordance with the standards set out in the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211, "Medicrime Convention") and the Council of Europe Convention on Cybercrime (ETS No. 185, "Budapest Convention");

13.7. ensure that any system of Covid passes is strictly limited in application and duration to the needs of the Covid-19 public health emergency, and the infrastructure involved is not repurposed for other aims without prior democratic scrutiny and effective legal oversight.



Resolution 2384 (2021)¹

Provisional version

Overcoming the socio-economic crisis sparked by the Covid-19 pandemic

Parliamentary Assembly

1. The Covid-19 pandemic hit the world unprepared. Past erroneous macroeconomic policy choices – such as austerity measures taken by many countries to handle the previous financial and economic crisis of 2008-2010, or imposed by external rescuers on certain countries – weakened the resilience of our societies and States, including the health sector and social protection systems. Socio-economic inequalities kept widening as a result. The pandemic laid bare how badly previous policies had affected the most deprived and vulnerable parts of the population.
2. Against the imperative to save lives and avoid the collapse of national healthcare systems, most States temporarily resorted to stringent public health measures such as lockdowns and shutdowns, involving restrictions on the movement of persons and goods, thus effectively slowing down the pandemic, but also economic life. A resulting recession caused deep shortfalls in resources for enterprises, workers, and States, as well as in global investment flows, disproportionately affecting vulnerable parts of the population and regions across Europe, in sanitary, social and economic terms. All Council of Europe member States have already rolled out emergency support programmes for enterprises and vulnerable persons to stabilise the socio-economic situation. Against the background of the looming climate crisis, they must now ensure a just, efficient and transparent medium- and long-term use of these funds in order to pursue the strategic vision of the healthier, more inclusive and more sustainable development which is at the heart of the overarching public interest.
3. The Parliamentary Assembly emphasises member States' commitments to upholding fundamental social rights enshrined in the European Social Charter (ETS No. 35 and ETS No. 163) and refers to the statement of the European Committee of Social Rights (ECSR) on Covid-19 and social rights, adopted on 24 March 2021. The Assembly is deeply concerned about the situation of the vulnerable population that has been harshly affected by the socio-economic crisis sparked by the pandemic. It fully supports the ECSR proposals to improve their situation.
4. The Assembly deplores that during the successive lockdowns and shutdowns, many women, especially mothers, had to carry the double burden of extra (unpaid) care work and home-schooling, while also being over-represented in low-paid jobs, facing greater income insecurity, greater risk of unemployment and an increase in domestic violence. Moreover, single parents suffered disproportionately from the closing of schools and day-care facilities for children, putting them at increased risk of poverty.
5. In this context, the Assembly wishes to highlight a legal void in the European Social Charter: working migrants originating from countries non-bound by this treaty are excluded from the application of certain provisions of the Charter. This loophole, one of many, highlights the need for the Charter to be modernised with new rights being recognised to meet the manifold challenges made more visible by the pandemic.

1. *Assembly debate* on 22 June 2021 (18th sitting) (see [Doc. 15310](#) and [addendum](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Andrej Hunko; and [Doc. 15322](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Elvira Kovács). *Text adopted by the Assembly* on 22 June 2021 (18th sitting).

See also [Recommendation 2205 \(2021\)](#).



6. The Assembly believes that European States stand at a crossroads of a historic opportunity to rebalance their economic development with social and environmental needs in pursuing the UN Sustainable Development Agenda 2030, as well as to address socio-economic inequalities caused by a flawed growth model. Alternative growth strategies with the objective of reducing the depletion of exhaustible resources and greenhouse gas emissions need to be developed and implemented urgently. The Assembly recalls its [Resolution 2329 \(2020\)](#) “Lessons for the future from an effective and rights-based response to the Covid-19 pandemic” which recommended that member States ensure that their economic recovery plans avert a “degradation of ecosystems likely to generate other epidemics of a zoonotic nature, and thus condition the aid put in place on the fulfilment of ambitious environmental and social criteria in line with the United Nations Sustainable Development Goals”. The Assembly therefore urges States to send clear signals to non-State actors about the direction of long-term macroeconomic policy orientations so as to better protect human well-being, dignity and the enjoyment of fundamental socio-economic rights.

7. The implementation of ambitious economic recovery measures requires the expansion of sovereign fiscal capacity in order to mobilise new or additional resources domestically or externally. Moreover, as the sovereign fiscal capacity varies widely across States in Europe, greater co-ordination and pooling of fiscal and financial resources to overcome the socio-economic crisis is necessary, in particular at regional and cross-border levels.

8. The continuing global public health emergency calls for greater international solidarity between the wealthiest and the poorest countries in order to share the existing anti-Covid-19 vaccine stocks by targeting the most vulnerable population and health care staff. In this context, the Assembly believes that European countries should lead by example and donate part of their vaccine stocks to the neediest countries in a coordinated manner. They should support the worldwide expansion of production capacity for Covid-19 vaccines by endorsing the modalities for a temporary waiver on patents for those vaccines under the WTO’s (World Trade Organization) Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement and foster compulsory licencing arrangements to enable the know-how and technology transfer for life-saving vaccines and essential medicines or treatments.

9. In light of the above considerations, in order to achieve dignity for all, political, economic and social policies must protect the rights of everyone. In order to put their socio-economic recovery on solid tracks and guarantee adequate social protection to all, the Assembly recommends that Council of Europe member States:

- 9.1. set conditions for enterprises to receive public financial support in order to guarantee the social rights of workers (such as preservation of employment), prohibit the distribution of dividends, strengthen sustainability of resources’ use and adopt roadmaps for reducing the environmental footprint of their activities;
- 9.2. mainstream equality into all measures taken to respond to the socio-economic crisis, and to this end:
 - 9.2.1. incorporate equality impact assessments as an integral element of on-going public health, economic and social policy responses to the crisis, aimed at identifying and eliminating the actual or potential discriminatory effects of these responses;
 - 9.2.2. ensure equal opportunities by eliminating discriminatory laws, policies, and practices as part of the sustainable development goals and the pledge to leave no one behind;
- 9.3. expand public investment programmes aiming to:
 - 9.3.1. improve quality, affordability and accessibility of public services and infrastructure and promote equal access to these services and infrastructures;
 - 9.3.2. stimulate high-quality employment and job creation, based on local economic needs and pursuing the goal of decent work for all;
 - 9.3.3. enhance educational and professional opportunities for young people, also in order to actively promote their access to the labour market;
 - 9.3.4. expand lifelong learning and training schemes to accompany the adaptation of human competences and skills in building a more sustainable and more digitalised economy;
 - 9.3.5. guarantee adequate minimum income and social protection, in particular for more vulnerable population groups, including young people in transition towards autonomous living and single-parent families;

- 9.3.6. ensure adequate housing and decent living conditions for all;
 - 9.3.7. reclaim strategically important economic sectors for future prosperity, well-being and social equality, notably as regards sustainable energy, telecommunication networks, mobility, housing, healthcare, water and food supply, as well as scientific research and development capacity;
 - 9.3.8. strengthen the foundations of the digital economy and its governance through resources-saving organisation of human work, as well as ensuring equal access to digital tools;
 - 9.3.9. urgently expand production capacity for Covid-19 vaccines and medicines worldwide through know-how and technology transfer via compulsory licensing arrangements, as well as a temporary waiver under the WTO's TRIPS agreement, as appropriate, and donate part of the existing vaccine stock to the countries most in need;
 - 9.3.10. combat all forms of gender-based violence and domestic violence;
- 9.4. consolidate public finances by:
- 9.4.1. building mechanisms to allow public finances to be decoupled from the volatility of financial markets and developing a framework to collectively deal with the debt accumulated due to the pandemic (which could also be used for other debt);
 - 9.4.2. increasing the share of domestic fund-raising from private sources, especially through progressive taxation that protects lower income groups;
 - 9.4.3. raising new resources through the introduction of a tax on financial transactions, in particular with regard to high-frequency trading;
 - 9.4.4. considering forms of property taxation and/or levies for the wealthiest parts of society in order to shift the burden of the crisis from the shoulders of the less fortunate to those of the most affluent;
 - 9.4.5. enhancing inter-State co-operation in tax matters through the Inclusive Framework proposed by the Organisation for Economic Co-operation and Development (OECD) along the lines of Assembly [Resolution 2370 \(2021\)](#) "Fighting fiscal injustice: the work of the OECD on taxation of digital economy" in order to ensure a more adequate taxation of the digital economy and establish a new common corporate tax base;
 - 9.4.6. in the case of member States of the European Union, revisiting the fiscal requirements of the EU Stability and Growth Pact in line with the need to maintain spending at least during the recovery period;
- 9.5. ensure efficient and transparent allocation of support funds to the private sector, based on long-term development priorities linked with Sustainable Development Goals, the Green Agenda and other country-specific social goals, involving parliamentary scrutiny of investment proposals and their implementation;
- 9.6. adopt positive measures to eliminate the gender pay gap and gender pension gap and all types of discrimination in employment;
- 9.7. ensure that crisis response bodies and those working on recovery measures are gender-balanced, diverse and inclusive; their work must also be evidence-based (notably through the use of data disaggregated by gender and other discrimination grounds) and gender-sensitive, ensuring that equality is mainstreamed throughout;
- 9.8. implement [Resolution 2361 \(2021\)](#) "Covid-19 vaccines: ethical, legal and practical considerations" in order to help make Covid-19 vaccines a "global public good, accessible to all, everywhere" and to "overcome the barriers and restrictions arising from patents and intellectual property rights in order to ensure the widespread production and distribution of vaccines in all countries and to all citizens".



Resolution 2385 (2021)¹

Provisional version

Impact of the Covid-19 pandemic on children's rights

Parliamentary Assembly

1. The Parliamentary Assembly is deeply concerned about the devastating impact of the Covid-19 pandemic on children (any person under the age of 18) who have faced family bereavement, isolation, the spread of poverty, and decreased access to public services (including health, education and social protection). Children's physical and mental health, as well as equal opportunities for learning and development, have been affected. Violence against children has risen, including domestic and sexual violence. The impact of the pandemic in poorer countries has raised serious concerns with respect to child and infant mortality, child labour, child marriage and child trafficking. The current generation of children, which is sometimes referred to as "Generation Covid", will face the consequences of this public health crisis for many years to come, unless adequate measures are taken.

2. The Assembly is convinced that, to improve the situation of children, first and foremost parents and other carers need to be supported, so that they, in turn, can help children. Children themselves need to be listened to. The pandemic has exacerbated pre-existing problems with respect to social exclusion, inequality, and inadequate social protection systems. In many countries, the downsizing of public services over the past decades has resulted in a situation where resources are so thinly stretched that there is hardly any margin to meet the growing need for support created by the pandemic. Building robust public services for children and their families, that will be well-co-ordinated and not fall short when faced with major risk situations, should be a priority for the post-pandemic recovery strategies. Child poverty must be tackled with determination.

3. The gravity of the impact of the Covid-19 pandemic on children's rights varies considerably between and within countries, with the poorest groups of society and lower income countries being affected most. Solidarity should be the guiding principle for addressing this public health crisis and its consequences. It is only by meeting the basic needs of all children, ensuring children's safety and family support, that we can achieve high levels of well-being and prosperity in our societies.

4. The Council of Europe member States should take urgent action to address the impact of the pandemic on the rights of the child and to ensure that all children are protected in accordance with existing international standards, including the UN Convention on the Rights of the Child, and the relevant Council of Europe instruments, such as the European Convention on Human Rights (ETS No. 5), the European Social Charter (ETS No. 163), the Convention on preventing and combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention"), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention"), the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), the Convention on Cybercrime (ETS No. 185, "Budapest Convention") and the Convention on Action against Trafficking in Human Beings (CETS No. 197).

1. *Assembly debate* on 22 June 2021 (18th sitting) (see [Doc. 15311](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Baroness Doreen Massey). *Text adopted by the Assembly* on 22 June 2021 (18th sitting).

See also [Recommendation 2206 \(2021\)](#).



5. The Assembly thus urges the member States of the Council of Europe:
 - 5.1. with respect to building resilient social protection systems for children and their carers, to:
 - 5.1.1. ensure a minimum level of income for parents and carers, regardless of their status and background, for example in the form of a basic income (sufficient to meet needs); such income should be easily accessible and relevant information should be disseminated to the public;
 - 5.1.2. ensure that relevant resources are made available on a sustainable basis to the public services dealing with children, including social protection, health and education services; ensure that the professionals dealing with children receive adequate salaries, have a stable professional situation and opportunities for professional development;
 - 5.1.3. pay special attention to children in vulnerable situations, including children living in poverty, children belonging to minorities, migrant and refugee children, children of labour migrants left behind in their countries of origin, children with disabilities, children with long-term or chronic illnesses, children deprived of liberty, children in care, young carers and street children;
 - 5.2. with respect to ensuring effective protection of children's rights in times of crisis and with appropriate public health measures in place, to:
 - 5.2.1. ensure that emergency and recovery plans, strategies and legislation undergo child impact assessment, and promote budgeting mechanisms for child rights;
 - 5.2.2. reduce the levels of stress within families by addressing socio-economic difficulties, supporting flexible working arrangements for parents and other carers, including a possibility of taking a "child in distress" special leave, and ensuring that the mental and physical well-being of children is as important as their academic achievement;
 - 5.2.3. maintain functioning public services for children, including health, education and social protection services, by – providing guidance and health and safety protocols, including instructions for smooth interservice co-operation and communication, and monitor their implementation; raising awareness and building support for such measures; making full use of information and communication technologies when appropriate; ensuring that public officials are duly supported when dealing with critical situations such as children affected by family bereavement, incidents of intra-family violence, drastic decrease in family income, mental health issues or conflict with the law;
 - 5.2.4. prioritise prevention of violence against children; strengthen reporting mechanisms for professionals; set up helplines and organise awareness raising campaigns on violence against children, in particular sexual violence (including in the digital realm);
 - 5.2.5. support research on the impact of Covid-19 on children's rights and well-being, including longitudinal studies on educational attainment and well-being and longer term educational and career outcomes and inequalities to life chances;
 - 5.2.6. ensure access to education programmes for all children, for example by the use of TV and radio channels or provision of necessary equipment to families with socio-economic difficulties, and by introducing catch-up programmes; ensure that children have access to outdoor and indoor play and sport when possible; ensure that the arts and culture are accessible to all children; ensure support for innovative approaches to socialisation, safe social networking, and identity building for children;
 - 5.2.7. raise awareness of the importance of regular vaccination programmes for children;
 - 5.2.8. ensure that the principles of child-friendly and restorative justice are applied in the context of the pandemic, for example in the cases of breaches of lockdown regulations;
 - 5.3. with respect to the impact of Covid-19 on the rights of children in low-income countries, to:
 - 5.3.1. provide emergency assistance and ensure that global development programmes address the situation of children, especially from vulnerable groups; and build public support for development programmes and humanitarian assistance by highlighting the human implications of the crisis and its potential consequences in the interconnected world;
 - 5.3.2. with respect to Covid-19 vaccination for children, implement the recommendations made in [Resolution 2361 \(2021\)](#) "Covid-19 vaccines: ethical, legal and practical considerations".

6. The Assembly welcomes the adoption of the EU Strategy on the Rights of the Child and the [EU Strategy](#) to fight child sexual abuse both offline and online. It calls on the European institutions to ensure a well-co-ordinated support to their member States in the framework of the European Union and Council of Europe Strategies, making full use of the existing expertise and instruments, such as the Lanzarote Convention. Keeping in mind the experience of the Covid-19 pandemic will be crucial to being prepared to provide flexible policy responses to future crisis situations, for example under the upcoming Council of Europe Strategy for the Rights of the Child (2022-2027), which is currently in preparation.

7. Furthermore, the Assembly welcomes the launch of the proposed EU Child Guarantee and urges the EU bodies to take account of the European Social Charter and the findings of the European Committee of Social Rights in its roll-out and implementation. The European Union and the Council of Europe should work closely together in supporting member States in putting the EU Child Guarantee into practice.

8. The Assembly calls on national parliaments, the European Parliament, and the Inter-Parliamentary Union to join their efforts in building parliamentary support for addressing the impact of the Covid-19 pandemic on the rights of the child.

9. The Assembly calls on national parliaments of member States to support the World Health Organisation and other aid programmes for children in order to guarantee financial stability in order to provide practical support for children



Resolution 2386 (2021)¹

Provisional version

Enhancing participation of women from under-represented groups in political and public decision making

Parliamentary Assembly

1. In past decades, significant progress has been made with regard to the participation of women in political and public decision making in Europe. Women have reached high positions of power and several European countries are close to parity in parliaments.
2. This progress has nevertheless been too slow and uneven. In addition, there is still a lack of participation and representation in political and public decision making of women with disabilities, young women, LGBTI women, Roma women, women of colour, women with an immigration background, women belonging to minorities and indigenous women, rural women and women with a lower socio-economic background.
3. The Parliamentary Assembly is concerned about the numerous obstacles still faced by women, which prevent their active participation in political and public decision making. These obstacles have been exacerbated during the Covid-19 pandemic, in particular for women from under-represented groups. Weight of prejudice and stereotypes, risk of violence, lack of consideration for their skills and expertise, unequal sharing of care responsibilities, social norms, high levels of discrimination, barriers within political parties, lack of targeted measures and lack of accessibility in general limit participation. Profound structural changes are needed to tackle these challenges and enhance the participation of women from under-represented groups in political and public decision making at all levels.
4. The study on Sexism, harassment and violence against women in parliaments in Europe, carried out in 2018 by the Inter-Parliamentary Union (IPU) and the Assembly, demonstrated that violence against women was widespread in the world of politics. Hate speech and online harassment attacking women in politics or public life are hindering women's engagement in politics, in particular from under-represented groups who face disproportionately higher levels of violence and may choose not to participate for fear of being specifically targeted. The Assembly reiterates its determination to combat violence against women in politics, referring to its [Resolution 2274 \(2019\)](#) "Promoting parliaments free of sexism and sexual harassment" and the "#NotInMyParliament" initiative led by the former President of the Assembly, Liliane Maury Pasquier. Enhancing political participation is closely linked to preventing and combating violence and no efforts should be spared to this end.
5. The Assembly recalls its [Resolution 2222 \(2018\)](#) "Promoting diversity and equality in politics". Concrete recommendations to enhance the participation of persons with disabilities were formulated in its [Resolution 2155 \(2017\)](#) "The political rights of persons with disabilities: a democratic issue". Political systems and structures should be made more open, inclusive and attractive to persons from various backgrounds. An intersectional approach to decision making as well as targeted measures can contribute to leaving no one behind. The participation of women and girls in all their diversity in political and public decision making will send a powerful message of recognition of the importance of inclusive societies, increase representativeness and strengthen the legitimacy and relevance of decisions.

1. *Assembly debate* on 23 June 2021 (20th sitting) (see [Doc. 15301](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Eglantina Gjermeni). *Text adopted by the Assembly* on 23 June 2021 (20th sitting).



6. Enhancing participation of women from under-represented groups in political and public decision making requires action at several levels. Society at large and political parties need to make space for women's active participation and engagement. The Assembly underlines that men also have an important role to play to this end by combating violence and discrimination against women in politics and speaking out against gender-based stereotypes and sexism. Men can be allies and actively engage in promoting equality and participation of women in leadership. A profound change of both mindsets and political culture are essential to ensure that political and public decision making will be more inclusive and accessible for persons from various backgrounds.

7. The Assembly welcomes the visibility given at global level in 2021 to the importance of increasing participation of women from under-represented groups in decision making, including leadership – for instance, women's political participation was the theme chosen for the United Nations 65th Commission on the Status of Women (15-26 March 2021). It also looks forward to the 2021 UN Generation Equality Forum. Supporting the participation of women from under-represented groups in political and public decision making is an accelerator for sustainable development and peace and contributes to the 2030 Agenda for Sustainable Development. Addressing the over representation of men and the under-representation of women is important for making democracies more legitimate and accountable.

8. In the light of these considerations, the Assembly calls on Council of Europe member States, observers and partners for democracy:

8.1. with regard to preventing and combating gender-based stereotypes, sexism, discrimination and violence against women to:

8.1.1. sign and ratify, if it is not yet the case, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210), stepping up implementation in those States which are Parties;

8.1.2. introduce measures to implement Assembly [Resolution 2274 \(2019\)](#) "Promoting parliaments free of sexism and sexual harassment" and Assembly [Resolution 2290 \(2019\)](#) "Towards an ambitious Council of Europe agenda for gender equality";

8.1.3. work towards the implementation of the Council of Europe Gender Equality Strategy 2018-2023 and raise awareness of the added value of inclusive political environments;

8.1.4. implement without further delay Committee of Ministers Recommendation CM/Rec(2019)1 on preventing and combating sexism;

8.1.5. ensure that all public institutions apply zero tolerance for violence, discrimination and abuse, including through ratification of the International Labour Organization (ILO) Violence and Harassment Convention (No. 190);

8.1.6. promote inclusive education with the aim of preventing and combating gender-based stereotypes and sexism from an early age;

8.1.7. repeal discriminatory legislation against all under-represented groups, which hinders their participation in political and public decision making;

8.1.8. create safe and enabling environments for participation by introducing measures to prevent and combat all forms of discrimination, racist and sexist hate speech and violence against women in politics, and allocate sufficient resources to this end;

8.1.9. encourage the participation of women in the world of politics and the labour market by ensuring the provision of affordable childcare and adopting measures in favour of a better balance between private and professional life;

8.2. with regard to access to political and public decision making and promoting the participation of women from under-represented groups to:

8.2.1. implement Assembly [Resolution 2111 \(2016\)](#) "Assessing the impact of measures to improve women's political representation" and Assembly [Resolution 2222 \(2018\)](#) "Promoting diversity and equality in politics";

8.2.2. implement Committee of Ministers Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making;

8.2.3. collect disaggregated data and support research on the participation of women from under-represented groups in political and public decision making, and analyse the composition of parliaments at national and regional levels with an intersectional perspective;

- 8.2.4. introduce legislation and policies to implement Assembly [Resolution 2155 \(2017\)](#) “The political rights of persons with disabilities: a democratic issue” and make the accessibility of electoral processes, information and procedures a priority;
- 8.2.5. sign and ratify the Framework Convention for the Protection of National Minorities (ETS No. 157) and the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144), if this is not yet the case;
- 8.2.6. work towards the implementation of the Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020-2025);
- 8.2.7. cap the financing of electoral campaigns to enable broader participation and provide equal access to funds;
- 8.2.8. assess the needs of women from under-represented groups willing to participate in political and public life in order to provide adequate support, including for women experiencing multiple and intersectional discrimination;
- 8.2.9. set up and fund leadership and mentorship programmes for women from under-represented groups;
- 8.2.10. promote the creation of women’s networks or caucuses in national parliaments, as well as youth-led parliaments;
- 8.2.11. provide financial support to non-governmental organisations working on the promotion of gender equality, inclusion and the participation of women from under-represented groups in political and public decision making;
- 8.2.12. foster and sustain civic space and engagement for women’s rights organisations to hold decision makers to account on gender equality concerns;
- 8.2.13. engage with media to promote role models from under-represented groups and combat gender stereotypes and sexism;
- 8.2.14. ensure fair, non-stereotypical and equal media coverage of candidates and politicians, irrespective of their gender.

9. The Assembly encourages political parties to:

- 9.1. actively promote the participation of women from under-represented groups in their internal structures, including at leadership levels, and consider the introduction of voluntary quotas;
- 9.2. set up rules for the selection of candidates for elections at local, regional and national levels to ensure that gender equality and diversity are actively promoted;
- 9.3. analyse their internal composition and discuss how to increase participation of women and men from diverse backgrounds and their representation;
- 9.4. use a gender-sensitive and intersectional approach in supporting candidates for election;
- 9.5. sign the Council of Europe “Pledge on political representation of Roma and Traveller women” and take concrete steps for its implementation;
- 9.6. organise training on inclusiveness, intersectionality and gender equality for all their members, irrespective of their gender, and ensure their accessibility;
- 9.7. organise specific capacity- and confidence-building training in accessible formats for persons from under-represented groups, to enhance their political skills;
- 9.8. work to increase the visibility of role models from political and public life, including in the media.



Résolution 2387 (2021)¹

Version provisoire

Violations des droits humains commises à l'encontre des Tatars de Crimée en Crimée

Assemblée parlementaire

1. L'Assemblée parlementaire réaffirme son attachement à la consolidation de la paix fondée sur le respect des droits humains, de la démocratie et de l'État de droit. Dans ce contexte, elle souligne son rôle d'enceinte paneuropéenne la plus importante où peut avoir lieu un dialogue politique comme moyen de parvenir à des solutions pacifiques durables fondées sur les valeurs et les principes du Conseil de l'Europe.
2. L'Assemblée rappelle que depuis l'adoption de sa Résolution 1988 (2014) «Développements récents en Ukraine: menaces pour le fonctionnement des institutions démocratiques» et de sa Résolution 1990 (2014) «Réexamen, pour des raisons substantielles, des pouvoirs déjà ratifiés de la délégation russe» en avril 2014, elle a condamné à plusieurs reprises la violation par la Fédération de Russie de la souveraineté et de l'intégrité territoriale de l'Ukraine ainsi que l'annexion illégale par la Fédération de Russie de la Crimée, a exprimé sa vive inquiétude quant à la situation des Tatars de Crimée ainsi que celle d'autres personnes appartenant à des groupes en situation de minorité numérique en Crimée, notamment les Ukrainiens, et a appelé instamment la Fédération de Russie à veiller à ce que leurs droits ne soient pas violés.
3. L'Assemblée condamne fermement l'occupation temporaire persistante d'une partie du territoire ukrainien – la République autonome de Crimée et la ville de Sébastopol (ci-après «la Crimée») – par la Fédération de Russie, et réaffirme la non-reconnaissance de l'annexion de la Crimée. Elle condamne également toutes les démarches faites par la Fédération de Russie pour essayer de légitimer ou de normaliser sa tentative d'annexion de la Crimée.
4. L'Assemblée condamne les violations graves des droits humains commises contre les Tatars de Crimée immédiatement avant ou après l'annexion illégale de la Crimée par les autorités russes, y compris des exécutions et des disparitions forcées, qui par ailleurs n'ont pas fait l'objet d'une enquête effective depuis.
5. L'Assemblée déplore le fait que de nombreuses violations graves des droits des Tatars de Crimée, y compris des actes de torture et des traitements inhumains ou dégradants commis par des membres des forces de sécurité et de l'ordre, continuent à être signalés. Les Tatars de Crimée continuent à faire l'objet de poursuites judiciaires non fondées et de perquisitions illégales, tout comme les avocats et les défenseurs des droits humains qui œuvrent pour la défense des droits des Tatars de Crimée. L'Assemblée regrette profondément le fait que ces violations résultent souvent de l'application en Crimée de la législation russe, ce qui est contraire au droit international.
6. L'Assemblée condamne fermement le nombre élevé d'arrestations arbitraires et de poursuites et condamnations infondées de Tatars de Crimée à des fins politiques, sur la base de fausses accusations liées à l'extrémisme ou au terrorisme, notamment des allégations d'appartenance à des groupes musulmans et à l'opposition au régime actuel en Crimée. Elle est profondément préoccupée par les nombreux cas d'atteinte à

1. *Discussion par l'Assemblée* le 23 juin 2021 (20e séance) (voir [Doc. 15305](#), rapport de la commission sur l'égalité et la non-discrimination, rapporteure: Mme Thorhildur Sunna Ævarsdóttir). *Texte adopté par l'Assemblée* le 23 juin 2021 (20e séance).



la liberté de religion des Tatars de Crimée, notamment à l'encontre de groupes religieux particuliers au motif qu'ils appartiendraient à des organisations terroristes et extrémistes sans qu'aucun lien ne soit établi avec des troubles à l'ordre public.

7. L'Assemblée exprime également sa préoccupation quant aux restrictions auxquelles font face les Tatars de Crimée en ce qui concerne la liberté d'expression et de réunion pacifique, et la liberté de pensée, de conscience et de religion, y compris les poursuites engagées à l'encontre des personnes ayant manifesté individuellement. Elle est profondément préoccupée par la pratique consistant à refuser l'entrée en Crimée à des journalistes et à leur interdire l'accès au territoire de la Fédération de Russie pendant de longues périodes, parfois des décennies, ce qui non seulement viole leurs droits mais contribue à l'isolement de la Crimée et à l'absence de reportages indépendants en dehors de la péninsule sur la situation en Crimée.

8. L'Assemblée regrette que, malgré l'octroi d'un statut de langue officielle à la langue tatare de Crimée, le nombre d'enfants tatars de Crimée bénéficiant d'un enseignement dans leur langue ne semble pas avoir augmenté, les parents n'étant pas encouragés à en faire la demande.

9. L'Assemblée est profondément préoccupée par les décisions illégales de la Cour suprême de la Fédération de Russie concernant l'interdiction en Crimée, en tant qu'organisation extrémiste, du Mejlis des Tatars de Crimée, organe représentatif et instance de gouvernement autonome, ce qui est contraire aux normes internationales et appelle la Fédération de Russie à mettre en œuvre immédiatement les mesures provisoires décidées par la Cour internationale de justice le 19 avril 2017.

10. La dégradation de la situation des droits humains et l'application abusive de la législation russe créent un climat de peur et d'hostilité en Crimée susceptible d'affecter toutes les personnes qui y vivent. Toutefois, l'Assemblée observe avec regret que les Tatars de Crimée semblent faire l'objet d'une pression constante et être touchés de manière disproportionnée. Ainsi, les Tatars de Crimée sont non seulement victimes de violations de leurs droits humains en tant que tels mais aussi, du fait de l'application disproportionnée de ces mesures abusives à leur égard, victimes de discrimination.

11. L'Assemblée est profondément préoccupée par cette situation qui donne lieu, d'après elle, à de graves violations de nombreux instruments internationaux de droits humains, y compris la Convention européenne des droits de l'homme (STE n° 5). Elle note dans ce contexte que la Cour européenne des droits de l'homme a récemment déclaré recevable une affaire interétatique soulevant beaucoup de ces questions, affaire *Ukraine c. Russie (concernant la Crimée)* (requête n° 20958/14).

12. L'Assemblée souligne en outre que la non mise en œuvre par la Fédération de Russie des résolutions adoptées par l'Assemblée Générale des Nations Unies ainsi que des mesures ordonnées par la Cour internationale de justice et la Cour européenne des droits de l'homme est susceptible d'aggraver la situation des Tatars de Crimée ainsi que celle d'autres personnes appartenant à des groupes en situation de minorité numérique en Crimée.

13. Au vu de ce qui précède, et réaffirmant sa [Résolution 2292 \(2019\)](#) dans laquelle elle appelle la Fédération de Russie notamment à mettre en œuvre toutes les recommandations de l'Assemblée figurant dans ses [Résolutions 1990 \(2014\)](#), [2034 \(2015\)](#) et [2063 \(2015\)](#), l'Assemblée demande instamment aux autorités russes:

13.1. de mettre en œuvre la résolution [A/RES/68/262](#) de l'Assemblée générale des Nations Unies relative à l'intégrité territoriale de l'Ukraine ainsi que ses résolutions [A/RES/71/205](#), [A/RES/72/190](#), [A/RES/73/263](#), [A/RES/74/168](#) et [A/RES/75/192](#) relatives à la situation des droits de l'homme dans la République autonome de Crimée et la ville de Sébastopol, Ukraine, et de se conformer aux mesures ordonnées à l'égard de la Fédération de Russie par la Cour internationale de justice et la Cour européenne des droits de l'homme;

13.2. en ce qui concerne les violations du droit humanitaire international en Crimée qui ont un impact particulier sur les Tatars de Crimée:

13.2.1. de cesser d'appliquer le droit russe en Crimée, y compris en matière de terrorisme et d'extrémisme, et d'y appliquer, conformément au droit international, les lois en vigueur en Ukraine;

13.2.2. de libérer toute personne détenue ou emprisonnée illégalement en raison de l'application abusive et contraire au droit international du droit russe en Crimée, y compris pour des raisons politiques;

13.2.3. de mettre fin à l'enrôlement forcé des résidents de Crimée, y compris des Tatars de Crimée, dans les forces armées de la Fédération de Russie;

13.2.4. de mettre fin aux transferts de détenus, y compris de Tatars de Crimée, depuis la Crimée vers le territoire de la Fédération de Russie et d'assurer leur retour en Crimée ou en Ukraine continentale;

13.3. en ce qui concerne les allégations de violations des droits humains commises à l'égard des Tatars de Crimée en Crimée ou au sein du territoire de la Fédération de Russie:

13.3.1. de mener sans tarder une enquête effective au sens de la Convention européenne des droits de l'homme relative à chaque cas allégué de meurtre, d'enlèvement, de disparition forcée, de torture ou de traitements inhumains ou dégradants pratiqués à l'égard de Tatars de Crimée et d'appliquer aux auteurs de toute violation constatée des sanctions adéquates;

13.3.2. de prendre toutes les mesures nécessaires afin de prévenir des violations similaires dans le futur;

13.3.3. d'assurer des conditions de détention dignes et de veiller à ce que toute personne détenue ait accès à l'ensemble des soins médicaux dont elle a besoin;

13.3.4. de permettre aux avocats et aux autres défenseurs des droits humains travaillant avec des Tatars de Crimée d'accomplir leurs fonctions sans entraves;

13.3.5. de mettre fin immédiatement à toute pratique de harcèlement administratif ou judiciaire à l'égard des Tatars de Crimée et de veiller à ce que toute fouille ou perquisition pratiquée à leur égard soit menée dans le plein respect des droits humains;

13.3.6. de veiller au respect scrupuleux de la liberté de religion des Tatars de Crimée et de cesser de les persécutés pour leur appartenance alléguée à des groupes musulmans qui ne sont liés à la commission d'aucune infraction;

13.3.7. d'annuler la décision interdisant les activités du Mejlis du peuple tatar de Crimée et de permettre à ses dirigeants, M. Mustafa Dzhemiliev et M. Refat Chubarov, de rentrer en Crimée;

13.3.8. de garantir le plein respect des libertés d'expression, d'association et de réunion pacifique des Tatars de Crimée;

13.3.9. de lever l'interdiction pesant sur les médias des Tatars de Crimée et de permettre à ces médias de fonctionner en conformité avec les normes de la Convention européenne des droits de l'homme;

13.3.10. de garantir l'accès à un enseignement de et dans la langue des Tatars de Crimée, et d'œuvrer activement à la création des conditions permettant aux Tatars de Crimée d'exprimer, de préserver et de développer leur identité, en conformité avec les normes de la Convention-cadre pour la protection des minorités nationales (STE n° 157) et de la Déclaration des Nations Unies sur les droits des peuples autochtones;

13.4. de garantir l'accès libre et sans entrave des organes internationaux et régionaux de contrôle des droits humains à la Crimée, conformément aux principes et recommandations énoncés dans sa [Résolution 2240 \(2018\)](#) «L'accès illimité des organes de suivi des droits de l'homme du Conseil de l'Europe et des Nations Unies aux États membres, y compris aux 'zones grises'», afin de permettre à ces organes d'accomplir leur mandat sans préjudice des principes et des normes du droit international ainsi que du statut de la Crimée en tant que territoire de l'Ukraine temporairement occupé.

14. L'Assemblée invite tous les acteurs concernés à envisager d'associer directement les représentants des Tatars de Crimée, y compris le Mejlis du peuple tatar de Crimée, au dialogue international relatif à la situation des Tatars de Crimée et de la péninsule de Crimée.

15. L'Assemblée invite sa Commission pour le respect des obligations et engagements des Etats membres du Conseil de l'Europe (commission de suivi) à prendre en compte dans ses travaux futurs les suites données à ces recommandations par la Fédération de Russie et à porter également une attention particulière dans ce contexte à la situation d'autres groupes présents en Crimée tels que les Ukrainiens et les minorités religieuses.



Resolution 2388 (2021)¹

Provisional version

For a European policy on diasporas

Parliamentary Assembly

1. An increasing number of European States recognise the prominent impact of diaspora communities on European society, and therefore promote their involvement in home policies by developing national policies for engaging diasporas and by adopting governmental strategies to implement these policies.
2. Diaspora members make a positive contribution to the development of European countries and of their home countries, including by enriching host countries' cultural diversity and building dynamic and constructive relations with their countries of origin for the purposes of economic and cultural exchange and co-development. They also facilitate the integration of, and provide support to, newly arrived migrants in terms of their economic, political, legal and cultural interests. Diaspora members also help new arrivals to cope with psychological factors relating to language barriers, loss of usual social networks, legal uncertainty and inequality of access to social welfare.
3. Despite this positive impact, diaspora communities are sometimes seen to be manipulated by countries of origin or non-State actors for political or other purposes. They can also find themselves labelled as "dangerous". Intolerance, racism, xenophobia, Islamophobia and anti-Semitism are constant challenges, which hold them back from making positive contributions to the societies in which they live. These challenges pose an obstacle towards their integration and inclusion in host countries. It is thus important to tackle erroneous perceptions and valorise the advantages that different diasporas bring to our societies as well as to prevent the manifestation of any forms of discrimination against diasporas.
4. The Parliamentary Assembly reaffirmed its determination to tackle diaspora-related issues in a number of resolutions and recommendations, most recently in its [Resolution 1696 \(2009\)](#) and [Recommendation 1890 \(2009\)](#) "Engaging European Diasporas: the need for governmental and intergovernmental responses" and in [Resolution 2043 \(2015\)](#) "Democratic participation for migrant diasporas", as well as by setting up a Sub-Committee on diasporas and integration, and the Parliamentary Network on Diaspora Policies which was tasked with making specific recommendations in this area. The conclusions drawn from the activities of the Parliamentary Network underline the urgent need to develop a European strategy on diasporas.
5. Therefore, the Assembly encourages member States to take concrete action at national, regional and international levels to promote diaspora engagement policies and create a positive environment for the fulfillment of the potential of diasporas. This should be done by:
 - 5.1. collecting and processing data and information concerning nationals living abroad in order to facilitate the development of diaspora-related policies, while respecting data protection;
 - 5.2. creating national mechanisms and institutions in charge of diaspora to ensure better co-operation and involvement of diasporas in society. These mechanisms should involve countries' representations abroad;

1. *Assembly debate* on 24 June 2021 (21st sitting) (see [Doc. 15250](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Paulo Pisco). *Text adopted by the Assembly* on 24 June 2021 (21st sitting). See also [Recommendation 2207 \(2021\)](#).



- 5.3. drawing up road maps to support the engagement of diaspora networks and associations and organise regular formal and informal meetings with their representatives, including by using the opportunities provided by new information technologies;
 - 5.4. signing bilateral agreements supporting the integration process for migrants, which facilitate the study of the language, culture and legal procedures existing in host countries;
 - 5.5. engaging with diaspora community leaders and representatives to detect and prevent incidences of intolerance, racism, xenophobia, and other forms of anti-migrant discrimination and support joint activities promoting mutual respect and social cohesion;
 - 5.6. involving diaspora members in policy making, in particular concerning questions of citizenship, as well as those concerning their economic, social and cultural rights;
 - 5.7. organising parliamentary hearings on diaspora-related topics to promote the exchange of experiences and good practices;
 - 5.8. appointing a special diplomatic counsellor on diaspora and citizens abroad in diplomatic representations, where relevant, empowered to build confidence and engage with diasporas by providing specific services and useful information, as well as targeted co-operation.
6. The Assembly underlines the importance of ensuring respect for the political, social, economic and cultural rights of diaspora members, and supporting them to be active and productive members of their communities.
7. The Assembly is convinced that diaspora policies across member States should focus on promoting the political integration of diaspora communities into their host countries, while also encouraging and facilitating ongoing engagement with their countries of origin. When diaspora communities participate in political processes, they become active members of society, making it harder for extremist and populist groups to turn them into scapegoats, taking advantage of their political exclusion. Member States should adapt legislation, standards and procedures, as far as possible, to enable diaspora communities to exercise their right to democratic participation. Member States should do this by:
- 7.1. ratifying, if not already done, the Council of Europe's Convention on the Participation of Foreigners in Public Life at Local level (ETS No.144) and aligning national electoral laws regarding the participation of diaspora communities with the standards set out in the Convention;
 - 7.2. striving to promote political participation and dual citizenship to the extent possible. In this regard, the organisation of multi-stakeholder consultations at national level between diaspora associations, minority groups, business actors, government officials and other relevant actors, should be promoted to inform State policies on political participation and citizenship and disseminate good practice;
 - 7.3. simplifying administrative requirements for diaspora members to exercise their right to political participation, in particular by creating diaspora focal points in national electoral commissions;
 - 7.4. promoting electronic and postal voting across member States to facilitate the democratic engagement of diaspora members, who would otherwise be required to travel to their countries of origin to vote;
 - 7.5. granting to diaspora members the right to elect their representatives to parliament in their countries of origin;
 - 7.6. supporting diaspora associations in promoting political participation of their community members in host countries, and empowering eligible members of their communities to run for election.
8. The Assembly believes that the involvement of diasporas in the economies of countries of origin can help in building strong, successful and cohesive societies. Member States should encourage actions that maximise the positive contributions of diaspora communities in national and local development and poverty reduction strategies in countries of origin, with a focus on supporting investment, entrepreneurship, knowledge transfer, innovation and philanthropy. This should be done by:
- 8.1. involving representatives of diasporas in the preparation of annual development strategies and implementation mechanisms;
 - 8.2. creating incentives for returning diaspora members, ensuring that they can benefit from taxation, retirement and other economic advantages;

- 8.3. promoting and fostering diasporas' entrepreneurship through access to investment information, along with clear customs and import incentives;
- 8.4. facilitating the recognition of diaspora members' diplomas, education certificates and professional qualifications obtained abroad;
- 8.5. adopting legislation and policies facilitating and regulating remittance transfers, using modern technologies and avoiding double taxation;
- 8.6. supporting the formation of diaspora business networks through trade fairs and business summits, training programmes on international trade regulations and procedures for diaspora-owned businesses;
- 8.7. creating one-stop-shops that target diaspora investors to help them identify opportunities that are in line with the government private sector development policies, and accompany diaspora investors through the necessary administrative procedures, and help to address any complaints and mediate conflicts.

9. Recalling Recommendation CM/Rec(2015)1 of the Committee of Ministers to members States on intercultural integration pointing to the value of diversity as a resource for societies, the Assembly underlines that diasporas, representing various cultures and religions, have a pivotal role in helping migrants integrate by acting as a bridge to help newcomers understand the customs, codes and values in the host countries. Local authorities, both from the countries of origin and host countries, have a key role in engaging and co-operating with diaspora members in devising and implementing measures aimed at promoting inclusion, in particular of new migrants, by:

- 9.1. involving diaspora members in local policy debates and decision-making;
- 9.2. engaging diaspora members in local development processes, *inter alia*, in the field of business, tourism, education, culture;
- 9.3. supporting diaspora initiatives in the organisation of cultural and social events in the spirit of intercultural exchange and co-creation;
- 9.4. establishing and ensuring good operation of cross-border, inter-territorial and city-to-city co-operation and co-development agreements;
- 9.5. holding regular training and information sessions on the political systems of their host country and their right to democratic participation, as electors and potential political candidates;
- 9.6. supporting with information and education the inclusion of diaspora in public sector jobs, including in expert and management positions;
- 9.7. simplifying administrative obligations for diaspora associations, including their registration process, and allocating public space and access to public and international funding;
- 9.8. developing effective partnerships with diaspora organisations to promote social inclusion and integration of newly arrived migrants in their communities as well as by creating strong connections of mutual respect and trust with host societies;
- 9.9. supporting policies promoting the study of the language of the host country, as well as the mother tongue of the diaspora.

10. The Assembly considers that the creation of strategic partnerships between States, civil society, private sector and international organisations to create a framework for diaspora's empowerment should be a primary task for the development of a European diaspora policy. Therefore, it encourages member States to provide the necessary support to diaspora associations by:

- 10.1. promoting leadership among diasporas members through the organisation of training and educational programmes which should also enable strong connections between diasporas and host communities;
- 10.2. supporting multi-stakeholder platforms and civil society coalitions, which are essential for:
 - 10.2.1. facilitating greater dialogue and consultation between the host society and diaspora associations;
 - 10.2.2. co-ordinating technical assistance and capacity-building;
 - 10.2.3. allocating special grant programmes for projects promoting links between host society organisations and diaspora associations and encouraging their interaction;

10.2.4. promoting social media platforms to connect with diaspora populations, both in countries of origin and host countries, and organising open online platforms for all diaspora-related projects and initiatives;

10.2.5. encouraging media coverage of diasporas activities, and promoting a positive image of diaspora, as well as knowledge and understanding of the host society among the diaspora;

10.2.6. facilitating better understanding and appreciation of cultural diversity that diaspora and migrant communities bring, through supporting intercultural activities in the fields of sports, music, arts, culinary festivals and other social events.

11. The Assembly invites international organisations, in particular the Council of Europe, the International Organization for Migration (IOM), the European Union and the Organization for Economic Cooperation and Development (OECD) to work closely together to develop co-operation programmes involving, *inter alia*, diaspora associations.



Resolution 2389 (2021)¹

Provisional version

Combating Afrophobia, or anti-Black racism, in Europe

Parliamentary Assembly

1. Afrophobia, or anti-Black racism, is a form of racism that targets people of African descent and black people and manifests itself through acts of direct, indirect and institutional discrimination, as well as violence, including hate speech. Based on socially constructed ideas of “race” and reflecting the groundless belief that certain “racial” groups are biologically or culturally inferior to others, Afrophobia seeks to dehumanise and deny the dignity of its victims.
2. In spite of national antidiscrimination legislation and policies and international human rights obligations of Council of Europe member States, racism, including Afrophobia, is still rife in Europe.
3. An estimated 15 million people of African descent and black Europeans are part of the population of our continent, either as migrants or established for generations. They come from all walks of life and have contributed to Europe’s development and culture for centuries. Their contribution is not adequately recognised and even the numerical size of this group is not acknowledged, due to data collection regulations in some countries that do not take into consideration ethnic origin. This lack of data hinders the design, implementation, and assessment of antidiscrimination measures.
4. In 2020, the tragic death of George Floyd due to police violence, followed by widespread protests on both sides of the Atlantic, and the disproportionate impact of the Covid19 pandemic on people of African descent and black people (among other vulnerable minorities) have sparked new awareness among Europeans of the extent and severity of Afrophobia. Increased public awareness, together with strong support to anti-racist protests from political leaders at national and European level, have opened a window of opportunity that should be seized without hesitation.
5. The Parliamentary Assembly observes that racism is rooted in colonial history and that the injustice of colonisation and enslavement is still reflected in today’s structural and institutional discrimination against people of African descent in Europe. Racism, including Afrophobia or anti-Black racism, fatally undermines the mission and core values of the Council of Europe and eradicating it must be an absolute priority for the Organisation and its member States.
6. The Assembly highlights the need to adopt an intersectional approach and to address the unique forms of discrimination faced by people of African descent in relation to intersecting grounds including age, disability, gender, religion, sexual orientation and gender identity.
7. The Assembly reiterates that public figures, including politicians, have an important role to play in combating racism in all its forms, and firmly condemns the use of xenophobic and racist rhetoric and propaganda, particularly in these contexts. A proactive and concerted effort is required to counter racism, including Afrophobia; remaining silent in the face of its manifestations can only perpetuate inequality and discrimination.
8. The Assembly stresses that education is key to combating racism and that the cultural industries, including traditional and online media, should embrace diversity and promote a culture of inclusion that firmly rejects racism and xenophobia.

1. *Assembly debate* on 24 June 2021 (22nd sitting) (see [Doc. 15306](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Momodou Malcolm Jallow). *Text adopted by the Assembly* on 24 June 2021 (22nd sitting).



9. The Assembly recalls its [Resolution 1968 \(2014\)](#) “Tackling racism in the police” and most recently [Resolution 2364 \(2021\)](#) “Ethnic profiling in Europe: a matter of great concern”, in which it called on member States to take determined action against ethnic profiling through a range of measures, including ensuring diversity in the recruitment of police forces so as to reflect the diversity of the population, as well as [Resolution 2339 \(2020\)](#) “Upholding human rights in times of crisis and pandemics: gender, equality and non-discrimination”, which highlighted that people of African descent, among others, have been disproportionately affected by the Covid-19 pandemic due to persisting inequalities.
10. The Assembly supports the International Decade for People of African Descent (2015-2024) proclaimed by the United Nations and supports the activities of its relevant specialised agencies, bodies and procedures, particularly at European level. It welcomes the adoption by the European Commission Anti-racism Action Plan 2020-2025.
11. The Assembly commends the work of the European Commission against Racism and Intolerance (ECRI), reiterates its full support to the Commission and highlights the need for Council of Europe member States to effectively implement its standards.
12. In the light of these considerations, the Assembly calls on the Council of Europe member States to take determined action to eradicate Afrophobia, or anti-Black racism, and all other forms of racism and to:
 - 12.1. recognise Afrophobia, or anti-black racism, as a specific form of racism;
 - 12.2. endeavour to recognise the legacy and negative impact of colonialism, enslavement and the transatlantic slave trade and consider introducing reparations schemes and establishing ad hoc truth commissions to this end;
 - 12.3. develop national action plans to counter racism, associating people of African descent and black Europeans in the design, implementation and evaluation of measures; action plans should address structural discrimination, including at institutional level, as well as multiple and intersectional discrimination, in all areas including employment, political representation, policing, access to justice, goods and services, to healthcare, to housing and to quality education;
 - 12.4. raise public awareness of racism, including Afrophobia or anti-Black racism, by organising or supporting relevant campaigns and activities, including events such as the African Week organised yearly in Brussels or initiatives like the Black History Month currently observed in Ireland, the Netherlands and the United Kingdom, as well as cultural activities in libraries, archives and museums that acknowledge and empower people of African descent and black people and their positive contribution;
 - 12.5. ensure that colonial history is part of school curricula, as well as teaching about the historic presence of people of African descent in Europe and their contribution to its economy, culture and society;
 - 12.6. ensure that the negative and stereotypical portrayal of people of African descent is removed from educational material and from the media, including information and advertising;
 - 12.7. adopt positive action policies to close gaps in the enjoyment by people of African descent of socio-economic rights, particularly as regards access to education, employment, housing and healthcare;
 - 12.8. collect equality data disaggregated by ethnic origin, based on self-identification, anonymity and informed consent;
 - 12.9. support civil society organisations active in the area of antiracism and ensure they have adequate access to public funding;
 - 12.10. support human rights defenders working on combating Afrophobia, protect them from violence including hate speech, harassment and physical attacks, conduct prompt investigation into such incidents, and prosecute those responsible.
13. The Assembly invites national parliaments to:
 - 13.1. encourage the creation of caucuses and intergroups representing people of African descent within elected bodies at national and European level;
 - 13.2. ensure that rules of procedures and ethical codes prohibit the use of racist and xenophobic language, with adequate disciplinary sanctions for non-compliance;
 - 13.3. support the No Hate Parliamentary Alliance, its mandate and its functioning.

14. The Assembly supports the initiative of updating and relaunching the Charter of European political parties for a non-racist society as a tool for combating racism and hate-speech, and for promoting political representation of racialised groups including people of African descent.



Resolution 2390 (2021)¹

Provisional version

Transparency and regulation of donations to political parties and electoral campaigns from foreign donors

Parliamentary Assembly

1. Political parties play a key role in the democratic systems of Council of Europe member States. They are essential tools of expression of the political will of citizens and of organising political debates and campaigns in a democratic society.
2. Citizens' confidence in the integrity and independence of the democratic decision-making process is of crucial importance to ensure acceptance and resilience of democracy. In political systems based on political parties, the citizens' trust in the integrity of political processes also depends on the internal functioning of a political party including its financing and accountability and the prevention of corruption.
3. While the systems of political financing and the rules governing party and campaign funding differ in Council of Europe member States according to their distinct political, historical, social and cultural characteristics, the Parliamentary Assembly, referring to its [Recommendation 1516 \(2001\)](#) "Financing of political parties", reaffirms the general principles with respect to the financing of political parties and electoral campaigns: a reasonable balance between public and private funding, fair criteria for the distribution of State contributions to parties, strict rules concerning private donations, a threshold on parties' expenditures linked to election campaigns, complete transparency of accounts, the establishment of an independent audit authority and meaningful sanctions for those who violate the rules.
4. The Assembly recalls the Committee of Ministers Recommendation Rec(2003)4 "on common rules against corruption in the funding of political parties and electoral campaigns". This recommendation, which builds on Assembly [Recommendation 1516 \(2001\)](#), provides fundamental principles for political financing and expenditure as well as provisions on transparency and supervision in this area. In particular, it provides in its Article 7 that "States should specifically limit, prohibit or otherwise regulate donations from foreign donors."
5. The Assembly takes note that citizens express growing concern with regard to the integrity of democratic decision making in Council of Europe member States in the light of recent reports about improper or illicit interference through financial contributions by foreign States or State-linked entities to political parties and electoral campaigns. It is worried that the attempts to interfere in a country's democratic decision making through financial contributions are increasingly combined with other means of interference such as disinformation and cyberattacks.
6. The Assembly acknowledges that both the role of migration and of the digital revolution have contributed to an increasing interdependence between Council of Europe member States, their citizens, democratic decision-making processes and public spaces. This development poses challenges for regulating financial contributions to political parties and electoral campaigns from foreign sources and its enforcement.
7. The Assembly condemns all attempts by Council of Europe member States and non-member States to interfere improperly or illicitly in democratic decision-making processes in other States through financial contributions to political parties and electoral campaigns.

1. *Assembly debate* on 24 June 2021 (22nd sitting) (see [Doc. 15302](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Konstantin Kuhle). *Text adopted by the Assembly* on 24 June 2021 (22nd sitting).
See also [Recommendation 2208 \(2021\)](#).



8. In particular, the Assembly:

8.1. outlines that co-operation and dialogue between citizens and political organisations of different Council of Europe member States help to increase mutual understanding and serve to maintain a constant dialogue. Regulating financial contributions to political parties and electoral campaigns from foreign sources should not discourage such co-operation;

8.2. stresses that regulations governing the funding of political parties and electoral campaigns should not impede the work of NGOs and political foundations as these organisations are important actors of civil society. The important role of foreign organisations contributing to democracy building should be recognised. The Assembly refers to [Resolution 2362 \(2021\)](#) “Restrictions on NGO activities in Council of Europe member States” in which member States are urged to “ensure that NGOs can seek, secure and use financial and material resources of both domestic and foreign origin, without suffering discrimination or encountering unjustified obstacles, in line with the recommendations included in the “Report on the funding of associations” of the European Commission for Democracy through Law (Venice Commission) (Paragraph 10.7);

8.3. acknowledges that different legal regimes exist in member States, allowing or prohibiting financial co-operation between political parties representing national minorities and States inhabited by members of the respective group, including as part of electoral campaigns;

8.4. acknowledges that different legal regimes exist in member States, allowing or prohibiting financial contributions to their national political parties by their citizens residing abroad and by foreign citizens permanently residing in the respective member State;

8.5. stresses that regulations governing financial contributions to political parties and electoral campaigns from foreign sources must comply with the European Convention on Human Rights, particularly with Article 10 (freedom of expression) and Article 11 (freedom of assembly and association).

9. The Assembly expresses serious concern that legal loopholes in the existing regulations governing financial contributions to political parties and electoral campaigns from foreign sources are or could be exploited, and that regulations could be deliberately circumvented, *inter alia*:

9.1. by contributing in-kind instead of in-cash;

9.2. by providing loans;

9.3. by contributing in-kind or in-cash to politicians and political candidates instead of political parties and electoral campaigns;

9.4. via intermediary individuals or companies;

9.5. via straw companies deliberately created to establish a legal presence in the target country;

9.6. by contributing to foundations, associations, charities, religious organisations and other non-profit or non-governmental organisations with the aim to covertly benefiting a political party or electoral campaign, thus diverting the funding from the original goal of a non-profit or non-governmental organisation;

9.7. by using cryptocurrencies;

9.8. by contributing anonymously or by exploiting *de-minimis* or cash rules;

9.9. by concealing the foreign contribution in a business operation, particularly in the energy or natural resources sector.

10. The Assembly expresses serious concern that the exploitation of legal loopholes and the deliberate circumvention of existing regulations governing financial contributions to political parties and electoral campaigns from foreign sources can be performed in order to:

10.1. allow political campaigning by third parties which are subjected to less strict transparency requirements than political parties participating in electoral campaigns;

10.2. combine financial interference in a country’s democratic decision-making process with other tools of interference, such as disinformation and cyberattacks;

10.3. combine financial interference in a country’s democratic decision-making process with money-laundering and other criminal activities.

11. The Assembly believes that member States should seriously consider the risk of inappropriate or illicit foreign financial interference and should recognise potential interconnection with disinformation and cyberattacks. Consequently, it calls on member States to review their regulations governing financial contributions to political parties and electoral campaigns from foreign sources, including their enforcement, by in particular:

- 11.1. specifically limiting, prohibiting or otherwise regulating financial contributions to political parties and electoral campaigns from foreign sources in line with Article 7 of Recommendation Rec(2003)4, where such regulations do not already exist;
- 11.2. broadening the definition of financial contributions in order to include in-kind contributions and loans;
- 11.3. including financial contributions (both in-kind or in-cash) to politicians and political candidates within the regulatory framework governing financial contributions to political parties and electoral campaigns;
- 11.4. including financial contributions to foundations, associations, charities, religious organisations and other non-profit or non-governmental organisations within the regulatory framework governing financial contributions to political parties and electoral campaigns, whenever these organisations take part in electoral campaigns or finance political parties. These measures should not however be misused to impede the work of NGOs;
- 11.5. limiting, prohibiting or otherwise regulating financial contributions in the form of cryptocurrencies and anonymous financial contributions;
- 11.6. assessing and, if need be, tightening regulations regarding *de-minimis* and cash contributions;
- 11.7. reviewing regulations and enforcement practices with regard to financial contributions via intermediary individuals or companies, or straw companies;
- 11.8. reviewing regulations and enforcement practices with regard to political campaigning by third-parties;
- 11.9. stepping up activities to combat money laundering and acknowledging their potential interconnection with inappropriate or illicit foreign financial interference;
- 11.10. strengthening the independence of authorities responsible for auditing political parties and electoral campaigns, as well as improving their equipment;
- 11.11. assessing and, if need be, strengthening sanctions for violating rules of financing political parties and electoral campaigns;
- 11.12. investigating relevant cases of alleged inappropriate or illicit foreign financial interference;
- 11.13. increasing efforts to gather scientific and technical knowledge about inappropriate or illicit foreign financial interference;
- 11.14. developing a common international strategy against inappropriate or illicit foreign financial interference;
- 11.15. fully implementing the recommendations of the Group of States against Corruption (GRECO) on transparency of political party and election campaign financing, so as to provide for more transparency of foreign donations, limit possibilities for circumvention of the rules and strengthen oversight and enforcement of regulations.

12. The Assembly stresses that the growing interdependence between European States in the political, social, cultural and media domains makes it more difficult for member States' governments and parliaments to oppose the harmonisation of the principles governing financial contributions to political parties and electoral campaigns from foreign sources by invoking unique historical, cultural, social or political characteristics of their respective countries.

13. The Assembly encourages parliaments of member States to organise hearings on the issue of financial contributions to political parties and electoral campaigns from foreign sources and on their potential of influencing democratic decision-making processes in their respective political systems, including regarding the correlation with other forms of interference such as disinformation and cyberattacks.

14. The Assembly welcomes the monitoring by GRECO of the implementation of the Recommendation Rec(2003)4 and expresses appreciation of its evaluation and compliance procedures, ultimately aiming at preventing corruption in relation to party and campaign funding. It encourages GRECO to include the implementation of Article 7 of the said Recommendation in the scope of its future evaluations.

15. The Assembly equally welcomes the work of the Venice Commission on political parties, in particular the “Guidelines on Political Party Regulation - 2nd edition” issued jointly with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) in 2020. It encourages the Venice Commission to initiate a new study to update its Opinion no. 366/2006 on “The Prohibition of Financial Contributions to Political Parties from Foreign Sources”, as well as to consider whether it is appropriate to update its “Guidelines on the Financing of Political Parties” (2001) in the light of recent events, legal developments and the findings of the present resolution.