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COUNCIL OF EUROPE



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**TEXTS ADOPTED
BY THE ASSEMBLY**

Provisional versions

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Recommendations
2216 to 2217



Recommendation 2216 (2021)¹

Provisional version

Best interests of the child and policies to ensure a work-life balance

Parliamentary Assembly

1. The Parliamentary Assembly refers to [Resolution 2410 \(2021\)](#) “Best interests of the child and policies to ensure a work-life balance”. The best interests of the child must be regarded as one of the ultimate goals of the Council of Europe so that we can provide every child with a good start in life. We know that “it is easier to build strong children than to repair broken men.”
2. Striking a better balance between work and private life without impairing the child’s best interest is a challenge for the authorities. It is also a social, economic, political and demographic need. This new ambition requires the co-operation of the national authorities, the local and regional authorities, parents and professionals. It means that we must strike at the root of child poverty and exclusion and meet parents’ needs while mustering the necessary resources for children’s harmonious development.
3. The International Convention on the Rights of the Child and Article 17 of the European Social Charter (ETS No. 35) require States Parties to provide the necessary protection for children’s development, particularly the most vulnerable children, such as girls, migrants and children from ethnic minorities or born to poor, single-parent or sexual minority families.
4. The Assembly is convinced that the Council of Europe can help to set up inclusive early childhood family policies meeting needs expressed by parents while catering for the best interests of the child. It supports the current work to prepare a new strategy for the rights of the child for 2022-2027 and invites the Steering Committee for the Rights of the Child (CDENF) to incorporate early childhood and policies for the first 1 000 days into its activities.
5. The Assembly recommends that the Committee of Ministers:
 - 5.1. incorporate issues linked to the policy for the first 1 000 days into the next strategy for the rights of the child and its ground-breaking work on the roots of poverty;
 - 5.2. help the member States to prepare national strategies on early childhood, promote good practices and foster exchanges of information between the authorities running these national strategies.
6. Bearing in mind its role, working by the member States’ side, the Assembly calls on the Committee of Ministers to advocate for negotiations to be opened as soon as possible for the European Union to accede to the revised European Social Charter (ETS No. 163), the aim being to enhance the consistency of European standards with regard to socio-economic rights.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15405](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Françoise Hetto Gaasch).*





Recommendation 2217 (2021)¹
Provisional version

The impact of the Covid-19 pandemic on education and culture

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 2411 \(2021\)](#) “The impact of the Covid-19 pandemic on education and culture”, considers that education and culture are central to democratic stability in Europe, for they help people to acquire knowledge, a critical mind and a broader understanding of the world, to interact with others, to have a voice and to define their role in society. Active citizenship, particularly among young people, will be fundamental to address collectively the numerous social, cultural, economic, and environmental challenges of the 21st century.
2. The Council of Europe has a long-standing experience in the field of education and culture and must stay at the forefront of positioning them as an integral part of democratic processes. In this respect, the Assembly fully supports the intergovernmental work intended to deliver policy guidance and develop practical tools to assist member States in shaping new models for a synergic and sustainable functioning of education and culture sectors, which uphold democratic, cohesive, inclusive and resilient societies in the future.
3. The Assembly welcomes the adoption, by the informal Conference of Ministers of Education held on 29 October 2020, of a Political Declaration and a Roadmap for Action to help member States face the education challenges of the pandemic, including, in particular, a recommendation to bring together relevant practice of online or hybrid education provision through the Democratic Schools Network and developing a full-scale online training programme for educators on Digital Citizenship Education.
4. Accordingly, the Assembly recommends that the Committee of Ministers instruct the relevant sectors of the Council of Europe to:
 - 4.1. consider developing a standard-setting instrument on inclusive quality education, taking into consideration the new online and hybrid education environment;
 - 4.2. continue and finalise, in line with the Declaration of Ministers, the work on a model framework to govern equitable partnerships between business enterprises and education institutions, respectful of the overall public responsibility for education;
 - 4.3. create guidance for innovative approaches and partnerships between the education and culture sectors to implement the Council of Europe Reference Framework of Competences for Democratic Culture and foster culture and heritage education in the member States;
 - 4.4. in line with the UN Sustainable Development Goals, co-operate with the European Union to support innovative projects and European exchange programmes that could uphold sustainable functioning of education and culture sectors, and to establish a strong European digital framework well-adapted for online education and culture.

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15397](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Constantinos Efstathiou).



Resolutions
2405 to 2413



Resolution 2405 (2021)¹

Provisional version

Revision of the Code of Conduct for Members of the Parliamentary Assembly: introducing the explicit prohibition of sexism, sexual harassment and sexual violence and misconduct

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Resolution 2274 \(2019\)](#) “Promoting parliaments free of sexism and sexual harassment” which states that gender-based violence affects women in all aspects of life, the world of politics being no exception. Furthermore, in its [Resolution 2394 \(2021\)](#) “Gender representation in the Parliamentary Assembly”, the Assembly underlines that progress towards gender equality in parliamentary structures will be hampered if due attention is not paid to the need to eliminate sexism and sexual harassment within these structures. The Assembly also recalls that the Council of Europe’s Gender Equality Strategy 2018-2023 sets out the priorities through six strategic objectives and states that the overall goal of the Organisation in this area is to achieve the effective realisation of gender equality.
2. The Assembly further underlines that in its [Resolution 2290 \(2019\)](#) “Towards an ambitious Council of Europe agenda for gender equality”, it called on the Council of Europe member and observer States to sign, ratify, and efficiently implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “Istanbul Convention”), to pay due attention to and implement recommendations put forward in evaluation reports concerning their countries and to ensure the involvement of their parliaments in this process.
3. Public awareness of sexism and violence against women in politics is crucial and the Assembly recalls that it launched its #NotInMyParliament initiative to counter sexism, harassment and violence against women in parliaments.
4. The Assembly further confirms its commitment to promoting anti-discrimination policy by establishing *sui generis* structures such as the Parliamentary Network Women Free from Violence which is committed to raising awareness on the issue of gender-based violence. The network was instrumental to the entry into force of the Istanbul Convention and played a major role in promoting its ratification by their respective national parliaments. The Assembly’s General Rapporteur on violence against women also contributes to raising awareness on the problem of violence against women, following relevant developments in Council of Europe member States and promoting the Istanbul Convention.
5. The Assembly welcomes the publication in 2019 by the Inter-Parliamentary Union (IPU), on the occasion of the International Day for the Elimination of Violence against Women, of a comprehensive set of guidelines to combat sexual harassment and violence against women in parliament. The Assembly further notes several essential principles proposed in the IPU guidelines on which any anti-harassment mechanism should be based: confidentiality; responsiveness to the complainants; fairness to all parties; thorough, impartial and comprehensive investigation; and timely adjudication. The Assembly mechanism and procedure should also be guided by these fundamental principles.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2021 (see [Doc. 15402](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Thorhildur Sunna Evarsdóttir).*



6. The Assembly recalls that sexism, harassment and violence in parliaments infringes the human dignity of women and constitutes an obstacle to women's effective participation in political or public life. It stresses that political representation is one of the main priorities of the gender equality agenda. It further notes that any form of sexism, harassment and violence in parliament damages the reputation and image of parliamentarians and of parliaments as institutions. The Assembly recalls in this respect its [Resolution 2274 \(2019\)](#) and the call upon parliaments of member and observer States, as well as partners for democracy, to, in particular, draft or revise the codes of conduct for their members with a view to setting out the explicit prohibition of sexist speech, sexist acts and sexual harassment and introducing sanctions for breaches of this obligation, as well as to introduce complaint mechanisms to prevent and sanction sexual harassment, sexual violence and misconduct.

7. For its part, the Parliamentary Assembly notes that its current Code of Conduct for members, by virtue of its general principles protecting human dignity, covers inappropriate conduct, which today would be classified as sexism, harassment, sexual violence and misconduct. However, current realities require that these types of misconduct be addressed explicitly in codes of conduct and the Assembly should be at the forefront and serve as a model and as a reference for national parliaments.

8. By adopting [Resolution 2274 \(2019\)](#), the Assembly demonstrated its clear intention to set standards to prevent and combat any form of sexism, harassment, sexual violence and misconduct not only for member States but also for its own work and functioning. Therefore, in line with this resolution, the Assembly decides to:

8.1. amend paragraph 5.1 of the Code of Conduct for members of the Assembly as follows:

“5. While performing their mandate as members of the Parliamentary Assembly, members shall:

*5.1. carry out their duties responsibly, with **due respect to human dignity and with integrity and honesty**”;*

8.2. add the following new paragraph after paragraph 7:

“Members shall refrain from any form of sexism, harassment and sexual violence and misconduct.”;

8.3. add the following new paragraph after paragraph 18:

“For all the cases concerning any form of sexism, harassment and sexual violence and misconduct that involve members of the Parliamentary Assembly, a recommendation or decision taken under the Council of Europe procedures in the framework of its anti-harassment policy shall be forwarded to the Committee on Rules of Procedure, Immunities and Institutional Affairs for final determination of the case.”

9. Furthermore, the Assembly notes that the vast majority of its members are unaware of the existing Council of Europe anti-harassment framework and mechanisms and considers it necessary to ensure that members are aware of these and abide by them.

10. Finally, the Assembly recalls the importance of ensuring effective implementation of the legal provisions in this area and stands ready to develop, if appropriate, further guidelines on its own anti-harassment procedure and mechanism.



Resolution 2406 (2021)¹

Provisional version

Fighting corruption – General principles of political responsibility

Parliamentary Assembly

1. The fight against corruption is one of the priorities of the Council of Europe. The Parliamentary Assembly, the Committee of Ministers, and Council of Europe monitoring bodies such as the Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money laundering Measures and the Financing of Terrorism (MONEYVAL) have underlined the negative effects of corruption, money laundering and offshore schemes on democratic institutions, the rule of law and human rights.
2. Large scale scandals such as the “Panama papers”, “Paradise papers”, “Laundromats”, and, most recently, the “Pandora papers” have involved allegations that politicians and other politically exposed persons used offshore schemes to evade taxes and conceal assets, raising suspicions of involvement in corruption and money laundering. In its [Resolution 1881 \(2012\)](#) “Promoting an appropriate policy on tax havens”, the Assembly had already expressed its concerns about the extent of the offshore financial system and its negative impact on economy and society at large. It expressed further concerns in [Resolution 2130 \(2016\)](#) “Lessons from the ‘Panama Papers’ to ensure fiscal and social justice”, about the involvement of public personalities in such offshore schemes, noting that such persons should display the highest standards of ethical behaviour.
3. The Assembly considers that fighting corruption, money laundering and tax-related offences is an obligation for all member States of the Council of Europe. Any suspicion against a politician of being involved in such offences requires a prompt response from the criminal justice system, whatever the rank of perpetrator or the gravity of accusations – everyone should be equal before the law. Indeed, high-level corruption and offshore scandals, in particular the risk of bringing the very system of democracy into disrepute, require a particularly effective and expeditious investigation. Criminal and administrative procedures for preventing corruption and addressing allegations of corruption should correspond fully to international standards and be applied rigorously, regardless of an individual’s status. The systems in place should reduce to a minimum the margin within which acceptance of responsibility depends on the individual discretion of the person concerned.
4. The Assembly considers that even in member States that allow assets to be legally held offshore, politicians should always include such assets in their declarations of interest. Failure to do so should immediately engage political responsibility, since it may raise suspicions of concealment of unlawful activity and undermine popular trust in democratic institutions.
5. The Assembly, recalling its [Resolution 1950 \(2013\)](#) “Keeping political and criminal responsibility separate”, and [Resolution 2216 \(2018\)](#) “Follow-up to the report of the Independent Investigation Body on the allegations of corruption within the Parliamentary Assembly”, believes that political responsibility implies an ethical duty to bear the consequences for breaching public trust. Where the alleged misconduct is sufficiently serious and the allegations are sufficiently credible, politicians should resign from elected public office, at least

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15403](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Sergiy Vlasenko; and [Doc. 15404](#), opinion of the Committee on Political Affairs and Democracy, rapporteur: Ms Marietta Karamanli).*



until the investigations against them are completed. It is their duty to refrain from using offshore schemes in order to conceal revenues abroad and evade paying taxes in the country where they were elected. This would help to avoid loss of public trust in democratic institutions.

6. The Assembly considers that political parties and national parliaments must also contribute to preserving public trust in the democratic system when confronted with credible allegations of corruption. Following the large-scale offshore scandals raising serious suspicions of corruption, money laundering and tax-related offences, political parties and national parliaments must not remain silent and should take appropriate action against politicians who are credibly accused of having been involved in these or similar scandals.

7. The Assembly therefore considers that the fight against corruption, money laundering and tax-related offences involving high-ranking politicians and other politically exposed persons should be intensified, recalling also its [Resolution 1746 \(2010\)](#) and [Recommendation 1928 \(2010\)](#) “Democracy in Europe, crisis and perspectives”, [Resolution 1943 \(2013\)](#) and [Recommendation 2019 \(2013\)](#) “Corruption as a threat to the rule of law”, [Resolution 2170 \(2017\)](#) and [Recommendation 2105 \(2017\)](#) “Promoting integrity in governance to tackle political corruption”.

8. In this context, the Assembly calls on:

8.1. the member States of the Council of Europe to ensure that:

8.1.1. the criminal justice system responds promptly, independently, and effectively to the allegations of high-level corruption, money laundering, and tax evasion, including through the use of offshore schemes, and that any trials are concluded in a reasonable period of time;

8.1.2. bodies responsible for the investigation and prevention of corruption, money laundering, and tax evasion are protected against political interference;

8.1.3. measures for preventing corruption, money laundering, and tax evasion include provisions requiring all public officials to declare their income and assets, including those held offshore, with mechanisms for verifying such declarations;

8.1.4. national governments adopt and/or update codes of ethics for all holders of public office, whatever the rank, with mechanisms for sanctioning and/or impeachment;

8.1.5. the prosecution and the courts use legal means to suspend/bar politicians from holding public office in the case where there is clear evidence of corruption and related offences;

8.1.6. whistle-blowers who play a key role in the revelation of corruption scandals are protected in law and in practice against any form of reprisals in line with [Resolution 2300 \(2019\)](#) and [Recommendation 2162 \(2019\)](#) “Improving the protection of whistle-blowers all over Europe”;

8.1.7. the recommendations and standards of the relevant bodies of the Council of Europe, such as GRECO and MONEYVAL, are fully implemented;

8.1.8. measures to raise awareness of the harms of corruption are implemented through training, workshops and other information and education measures with the participation of civil society;

8.1.9. fighting corruption at the national level is performed according to international standards and to relevant national legal and constitutional norms, with full respect for the rule of law;

8.2. national parliaments to update or adopt new codes of ethics for their members and to establish effective mechanisms to sanction politicians credibly suspected of involvement in corruption, tax evasion, asset concealment, or money laundering, with automatic dismissals, lifting of immunity, or impeachment on grounds of breach of public trust, as appropriate;

8.3. political parties to exert internal pressure on politicians suspected of involvement in corruption, tax evasion, asset concealment, or money laundering, with the aim of inducing them to step down from their public functions when credible allegations become known.

9. The Assembly also invites the GRECO and MONEYVAL to encourage examples of good practice amongst the member States concerning sanctions available against politicians and public officials who are suspected of breaching public trust through involvement in corruption, tax evasion, asset concealment, or money laundering.

10. For its part, the Assembly could envisage appointing a General Rapporteur on fighting corruption, money laundering, and offshore schemes, in line with its relevant rules.



Resolution 2407 (2021)¹

Provisional version

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

Parliamentary Assembly

1. The year 2019 marked the 70th anniversary of the four Geneva Conventions, which codified much of modern international humanitarian law, the principal legal regime that regulates the conduct of warfare. It is no coincidence that both the Council of Europe and its foundational human rights instrument, the European Convention on Human Rights (ETS No. 5), also marked their 70th anniversaries around this time. All have their foundations in the aftermath of the Second World War, and have as their essential aims the maintenance of peace and the protection of individuals through international law and co-operation.
2. Both international humanitarian law and international human rights law have long histories predating the post-war adoption of the aforementioned conventions. Specific provisions of the two legal regimes on certain common issues are not always identical, but they are based on the same fundamental principles of humanity and human dignity. International humanitarian law is a set of special rules intended to apply only in the specific circumstances of armed conflict, whereas international human rights law is general and, in principle, applies in all circumstances.
3. In certain circumstances, the two regimes may overlap. The needs for legal certainty and effective protection of individual rights require careful interpretation of relevant provisions in such circumstances, in order to ensure that the two legal regimes remain complementary and coherent, and to prevent further fragmentation of international law in the relevant areas.
4. The Council of Europe, and in particular the European Court of Human Rights that is responsible for interpreting and supervising the implementation of the European Convention on Human Rights, has made a major contribution to achieving this goal. In a series of landmark judgments, building also on case law of the International Court of Justice, the European Court of Human Rights has helped to clarify the interaction between international humanitarian law and international human rights law, as laid down in the European Convention on Human Rights. This has been a complex and challenging task, given the general terms in which the Convention is expressed and the fact that the Court normally adjudicates not on abstract principles of law, but on their application to specific sets of facts.
5. The Assembly therefore welcomes the contribution of the Council of Europe, and in particular the European Court of Human Rights, to increasing synergy between international humanitarian law and international human rights law. This contribution has improved the effectiveness of international law as a whole in ensuring protection of the rights of individuals during armed conflict.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15394](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Lord Richard Balfe).*



6. The Assembly recalls that all member States of the Council of Europe are parties to the European Convention on Human Rights and to the 1949 Geneva Conventions. It therefore calls on the relevant authorities of member States to:

6.1. follow closely the evolution of the case law of the European Court of Human Rights as regards the interplay between international humanitarian law and international human rights law, as well as developments in other fora, including the International Court of Justice;

6.2. ensure that their armed forces, military personnel, State officials, judiciary, and private military and security companies are properly trained in the essential content and practical application of international humanitarian law and relevant provisions of international human rights law, keeping abreast of the evolving case law of the European Court of Human Rights;

6.3. provide within their domestic legal systems procedural guarantees for the respect of international humanitarian law and relevant provisions of international human rights law within the context of armed conflict, including effective mechanisms for holding to account the perpetrators of any violations;

6.4. report on a regular and voluntary basis on the implementation of these measures.



Resolution 2408 (2021)¹
Provisional version

70th anniversary of the 1951 Refugee Convention: the Council of Europe and the international protection of refugees

Parliamentary Assembly

1. In the year of the 70th anniversary of the 1951 Convention Relating to the Status of Refugees (the 1951 Refugee Convention), the Parliamentary Assembly welcomes ongoing initiatives aimed at consolidating and making more effective the international protection of refugees and asylum seekers, and warns against certain negative tendencies.
2. The Assembly is highly concerned by the increasing number of refugees and asylum seekers in the world, including, most recently, from Afghanistan. At the end of 2020, 82,4 million people were displaced worldwide with 20,7 million refugees under the mandate of the United Nations High Commissioner for Refugees (UNHCR). An estimated 34 million (42%) of the 82,4 million forcibly displaced persons are children below the age of 18.
3. The Assembly is concerned about the increasing frequency of expulsions and pushbacks of refugees and asylum-seekers at Europe's borders and recalls that the 1951 Refugee Convention and the European Convention on Human Rights (ETS No. 5) require States to protect the rights of people to seek asylum and ensure protection from *refoulement*, even if they enter a country irregularly. The Assembly emphasises the importance of preserving access to territory and asylum procedures and calls on Council of Europe member States to uphold their existing commitments to refugee protection by admitting asylum-seekers at their borders and enabling the submission of asylum applications.
4. The Assembly also warns against the tendency to criminalise solidarity towards refugees and life-saving activities. It deplores the fact that people, who have helped asylum-seekers and refugees, have been investigated, charged and, in some cases, convicted just for providing assistance in the saving of lives, for monitoring human rights, or for standing in solidarity with migrants and asylum seekers.
5. The Assembly calls upon national parliaments to prevent misuse of anti-smuggling laws to curb solidarity and humanitarian acts intended to protect the rights of refugees and asylum seekers. It is convinced that saving lives is not a crime, that feeding starving people is not a crime, and that providing shelter to families in need is not a crime. These activities are based on fundamental values that the Council of Europe was set up to defend.
6. The Assembly emphasises, therefore, the urgent need to strengthen Council of Europe member States' commitment to upholding fundamental rights of those who flee persecution for reasons specified in the 1951 Refugee Convention. Marking the 70th anniversary of the 1951 Refugee Convention, the Assembly underscores the need to enhance the international protection of refugees and asylum seekers. The Assembly,

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15396](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Lord Leslie Griffiths).



therefore, calls upon member States' parliaments to ensure full support to UN-led initiatives for the protection of refugees and asylum seekers, to support the relevant Council of Europe actions and to take specific actions at national level, as follows:

6.1. with regard to ensuring full support to UN-led initiatives, the Assembly:

6.1.1. recognises the importance and achievements of the 1951 Refugee Convention and its 1967 Protocol and re-commits itself to the core values at the heart of these instruments – including *non-refoulement*, non-penalisation and non-discrimination, and ensuring access to international protection for those who need it, among other human rights;

6.1.2. recognises that, while circumstances may change in the light of political, social, environmental and cultural developments, great care should be taken to ensure that nothing should weaken or diminish respect for the Convention's core values or dampen the spirit of liberality and co-operation which lie at the heart of its provisions;

6.1.3. re-affirms its commitment to the role and mandate of the UNHCR and honours its achievements over the years whilst recognising the scale of the problems facing it, and the international community, at the present time. It understands how political instability across the globe, the ravages of the Covid-19 pandemic, and the climate change crisis are likely to see the number of people seeking refuge and international protection increase. It resolves to work hand-in-hand with the UNHCR as it works together with States to address these paramount issues;

6.1.4. while recognising the fact that governments must implement the principles of the 1951 Refugee Convention in the context of their own domestic law, urges all States to ensure that, in all such cases, they align themselves with the interpretation of the Convention put forward by the UNHCR;

6.1.5. recognises the priority established by the UNHCR to support programmes that give refugees the opportunity to become self-reliant, wherever possible. It welcomes the fact that, increasingly, proposals to achieve this are being fostered by community sponsored initiatives and recommends that member States provide their full support to these;

6.1.6. welcomes the widespread support elicited by the UN Global Compact on Refugees and calls upon national parliaments to actively promote its implementation. This is a programme which offers a framework for more predictable and equitable responsibility sharing in the treatment of refugees and stands directly in line with the major thrust of the 1951 Refugee Convention. The Assembly looks forward to receiving a report from the high-level meeting to be held in December 2021 and to scrutinising and assessing what happens afterwards;

6.2. with regard to supporting relevant Council of Europe action, the Assembly:

6.2.1. recalls that the Council of Europe has extensive experience in addressing human rights issues, including the protection of the rights of refugees and asylum seekers, in accordance with international human rights standards set by the 1951 Refugee Convention and its 1967 Protocol and other relevant international treaties;

6.2.2. notes that recent action plans formulated in the migration sphere within the Council of Europe, which have focused on the protection of children and vulnerable persons, are set to conclude in 2025. For the period following that date, as part of a successor plan, the Council of Europe, through its Special Representative of the Secretary General of the Council of Europe on Migration, should consider aligning itself with the UNHCR in effecting its "Strategy on Resettlement and Complementary Pathways." This strategy has set target figures for resettlement at one million refugees and two million others through complementary pathways such as family reunification or labour mobility schemes – targets to be achieved by 2028. A new pan-European Action Plan to support resettlement and enhance refugees' self-reliance in the years 2025-2028, in concert with work already being done by UNHCR on the subject, would effectively address a vital aspect of efforts being made for the protection of refugees;

6.2.3. recommends that all relevant expert bodies and intergovernmental committees pay priority attention to refugee and migrant issues, enhancing co-ordination on this matter, in close co-operation with the UNHCR. This will require co-ordinating responses from across a number of fields (education, health, access to employment, legal status and housing for example) to meet the needs of refugees and asylum seekers;

6.3. With regard to the call for taking specific action at national level, the Assembly:

6.3.1. notes that the 1951 Convention was the work of States working together internationally. But it is the governments of member States which must put its principles and values into practice. Each State will do this within their own domestic law and this will inevitably mean that there will be variations in the specific means of achieving it. The Assembly recognises that the efficient and expeditious return of persons found not to be in need of international protection is key to maintaining the integrity of asylum systems in Europe and to the international protection system as a whole. The Assembly urges, therefore, the governments of all Council of Europe member States to put in place efficient asylum procedures that maintain fairness safeguards and adhere to international law, including the principle of *non-refoulement*. All who lay claim to asylum, whatever the outcome, should be treated humanely and with respect;

6.3.2. urges parliamentarians across member States to press their governments to offer support to countries of origin from which refugees and migrants move towards Europe. Development aid should be offered in order to build capacity, achieve political stability, strengthen protection of human rights, and to enjoy economic improvement in these countries, as well as in countries which host large refugee populations. This would allow for a focus on the root causes of migration and displacement, and go some way towards destroying the “business models” of those involved in people-smuggling;

6.3.3. underscores the key role that needs to be played by members of parliaments, as decided in Resolution 2379 (2021) “The Role of parliaments in implementing the United Nations Global Compacts for Migrants and Refugees”. The Assembly reaffirms its recent agreements on this matter and reiterates the opportunities open to parliamentarians in their various functions – representative, legislative and oversight – and also in the realm of international diplomacy;

6.3.4. stresses that Assembly members, acting in their capacity as members of their own respective parliaments, should become catalysts and/or multipliers for the task of raising awareness of, and assisting with the implementation of, the 1951 Refugee Convention and its 1967 Protocol.

7. Finally, the Assembly recognises that the UNHCR cannot exist without the support and political will of States-parties to the 1951 Refugee Convention. The fact that it has achieved so much in the last 70 years is because of States’ commitment and generosity, and the Assembly hopes that all Council of Europe member States will continue to support the UNHCR for the next 70 years.



Resolution 2409 (2021)¹

Provisional version

Voluntary relocation of migrants in need of humanitarian protection and voluntary resettlement of refugees

Parliamentary Assembly

1. 70 years after the opening for signature of the United Nations Convention Relating to the Status of Refugees (1951 Refugee Convention), the Parliamentary Assembly calls on member States and the European Union to strengthen and increase the voluntary transfer of migrants in need of humanitarian protection and asylum seekers to third countries for determining their migration status (hereinafter: relocation) as well as the voluntary transfer of recognised refugees to a third country giving them international protection (hereinafter: resettlement), when countries of first arrival are unable to accommodate them or process their asylum applications, for instance due to an overwhelmingly large number of arrivals.
2. The Assembly welcomes the emergency programme of the European Commission for the voluntary relocation of asylum seekers from Greece to other European countries. This programme was established in April 2020, when Greece was faced with large-scale arrivals of migrants from Turkey while having already overcrowded reception centres, the largest of which having been destroyed by arson on Lesbos. The initial aim of the programme was the voluntary relocation of 1 600 unaccompanied children and families. The programme ultimately managed to relocate within twelve months 3 914 persons selected by the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM) and the European Asylum Support Office of the European Union (EASO), mostly to Germany and other EU countries as well as Iceland, Norway and Switzerland.
3. In the light of the success of this programme and aware of the dramatic increase in arrivals of migrants to Italy and Spain since the beginning of 2021 as well as the proportionally high numbers of arrivals to Cyprus and Malta and the ensuing overcrowding of reception centres there, the Assembly calls on all Council of Europe member States and the European Union to consider voluntarily relocating vulnerable persons also from Cyprus, Italy, Malta and Spain.
4. Aware of the thousands of undocumented migrants sleeping rough at the external borders of the European Union in Bosnia and Herzegovina as well as in Albania, Montenegro, Serbia, Turkey and now on the border with Belarus, the Assembly calls on member States to register them, provide shelter and necessary services, take note of any asylum applications, and seek possibilities of voluntary relocations or resettlements to other countries when humanitarian emergencies so dictate. All member States should offer assistance to these countries when such emergencies arise, in a spirit of solidarity.
5. Welcoming [Resolution 432 \(2018\)](#) on border regions facing the migration phenomenon, adopted by the Congress of Local and Regional Authorities, the Assembly invites the Congress to follow-up with related action. As migrants and asylum seekers typically arrive in border cities, which tend to be overwhelmed by the numbers of arrivals, the Assembly invites the countries where these arrivals occur to consider assisting these cities by voluntarily relocating these persons to other cities within their national borders. European solidarity should also be shown by all member States in providing technical and humanitarian assistance to these cities.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15401](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Lord Alexander Dundee).*



6. Noting with regret the fewer refugees resettled voluntarily to third countries due to the impact of the Covid-19 pandemic in 2020, the Assembly welcomes the outcome of the High-Level Forum on Resettlement hosted by the European Commission on 9 July 2021 and calls on member States to support the Three-Year Strategy on Resettlement and Complementary Pathways of the UNHCR. There is an urgent need to resettle many more refugees faced with humanitarian emergencies in host countries, especially outside Europe.
7. Welcoming voluntary resettlements of refugees under a private sponsorship programme to Canada, which has observer status with the Council of Europe, as well as to a few member States, the Assembly invites all member States to provide for the possibility of private sponsorship of voluntary resettlements. While private sponsors should be able to receive and take care of resettled refugees, member States remain responsible to ensure their international protection as well as their protection against neglect or abuse by private sponsors.
8. Voluntary relocations and resettlements should respect the following requirements:
 - 8.1. all migrants, asylum seekers and refugees should be identified and registered and provided with basic services upon arrival before their relocation or resettlement, in order to identify their specific vulnerabilities; the situation in which undocumented migrants sleep rough, should be avoided under all circumstances, given their high risk of being exposed to violence, abuse and human trafficking;
 - 8.2. all relocations and resettlements should be made voluntarily, namely the wishes of the persons to be relocated or resettled should be taken into account; nobody should be relocated or resettled to a country against their will; mandatory evacuations should only be made when emergencies so require;
 - 8.3. under Article 26 of the 1951 Refugee Convention, refugees lawfully in the territory of a member State have the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances; Article 5 of the European Convention on Human Rights (ETS No. 5) and Article 2 of its Protocol No. 4 apply equally to refugees;
 - 8.4. unaccompanied child refugees and refugees with medical needs should be given priority for relocation or resettlement where this transfer is in their best interest in accordance with the United Nations Convention on the Rights of the Child; the evaluation to relocate or resettle should be made in co-operation with the persons concerned and, where appointed or acknowledged, their legal guardians; families should not be separated by relocations or resettlements and the parents of unaccompanied children should be searched for and contacted where possible; in this context, the Assembly refers to its [Resolution 2195 \(2017\)](#) “Child-friendly age assessment for unaccompanied migrant children”, [Resolution 2354 \(2020\)](#) “Effective guardianship for unaccompanied and separated migrant children” and the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (CETS No. 201);
 - 8.5. refugees who are victims of human trafficking should be prioritised for relocation or resettlement where such transfer can protect them against being exposed to further exploitation or abuse and where their medical or psychological treatment so requires; these relocations should not be made along routes of smuggling and trafficking, in order to prevent that organised crime can further exploit such relocations; in this context, the Assembly refers to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);
 - 8.6. recalling [Resolution 2379 \(2021\)](#) “Role of parliaments in implementing the United Nations global compacts for migrants and refugees”, responsibility sharing should be expanded by voluntary relocation and resettlement as well as complementary pathways.
9. In [Resolution 2380 \(2021\)](#) “Humanitarian action for refugees and migrants in countries in North Africa and the Middle East” and [Resolution 2227 \(2018\)](#) “Extra-territorial processing of asylum claims and the creation of safe refugee shelters abroad” the Assembly emphasised the need to support countries of origin and transit countries also outside Europe and to allow persons to apply for asylum there before embarking on dangerous routes, for instance across the Mediterranean Sea. Welcoming targeted UNHCR action for registering and identifying refugees in those countries, member States should give priority to granting humanitarian visas and providing resettlements and complementary pathways.
10. Recalling [Resolution 2243 \(2018\)](#) “Family reunification of refugees and migrants in the Council of Europe member States”, the Assembly invites all member States to voluntarily relocate or resettle unaccompanied children for the purpose of family reunification, where a mandatory scheme does not exist, such as under the Dublin Regulation of the European Union. For this purpose, member States should consider concluding bilateral agreements establishing the procedure for these voluntary relocations or resettlements of unaccompanied children.

11. Aware that the majority of migrants in Europe are not eligible for international protection under national law, the Assembly welcomes the assisted voluntary return and reintegration programmes of the IOM and the European Union which offer humanitarian assistance to rejected asylum seekers and irregular migrants in need of such assistance. All member States should support these programmes, including financially, so as to avoid humanitarian hardship and human suffering of those not relocated.

12. The Assembly calls on parliaments of member States, Observers and Partners for Democracy to raise awareness of the need for voluntary relocations and resettlements and to co-operate to achieve such relocations and resettlements. In this context, the Assembly invites the Special Representative of the Secretary General for Migration and Refugees to assist in this action.



Resolution 2410 (2021)¹

Provisional version

Best interests of the child and policies to ensure a work-life balance

Parliamentary Assembly

1. The arrival of a baby is a joyous event, but it can also be disconcerting and complex. Parents must strike a balance between work and private life at a time when their child's brain and body are going through the most spectacular growth. Too often they do not have enough time to devote to their children because of the demands of their work and the inadequacies of child-care services. Many inequalities are established from the very youngest age. The social and economic cost if parents do not pay enough attention to their children can be very high. The Parliamentary Assembly is convinced that it is during childhood that the fundamental bases securing the enjoyment of human rights are established. Widespread investment in family policies and early childhood is key to the construction of balanced personalities and to the development of stable and prosperous societies.

2. The States Parties to the International Convention on the Rights of the Child (CRC) recognise the right of every child to a standard of living that is adequate for the child's physical, mental, spiritual, moral, and social development. Under Article 27 of the Convention, the parents or others responsible for the child have the primary responsibility to secure the conditions of living necessary for the child's development. The States Parties undertake to take appropriate measures to help these persons carry out this task and provide material assistance and support programmes in case of need. Article 17 of the European Social Charter (ETS No. 35) requires the States Parties to provide the necessary protection for the development of children, particularly the most vulnerable, such as girls, migrants, children from ethnic minorities or those born to poor, single-parent or sexual minority families.

3. The Assembly believes that the best interests of the child must be regarded as one of the ultimate goals of the Council of Europe in all circumstances. On many occasions it has fought uncompromisingly for its preservation. In [Resolution 2056 \(2015\)](#) "The inclusion of children's rights in national constitutions as an essential component of effective national child policies", it called for constitutional guarantees to be provided for the protection and promotion of children's rights based on a modern approach addressing children as autonomous rights-holders, ensuring that the best interests of the child are a primary consideration (Article 3 of the CRC).

4. The Assembly notes that the Council of Europe member States must meet the requirements of an economic recovery while bearing in mind the socio-economic consequences of the Covid-19 pandemic. The Assembly is alarmed that the balance between parents' professional and private lives may be undermined in this context. This balance is all the more important in times of crisis when children need even more support and protection. Depriving them of their parents' attention would be an infringement of their right to development and would impair our societies' future.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15405](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Françoise Hetto Gaasch). See also [Recommendation 2216 \(2021\)](#).*



5. Bearing in mind these considerations and in order to meet the needs of children and their families properly, the Assembly urges the member States of the Council of Europe to take the following measures:

5.1. ensure that employment policies take account of parental responsibilities for all parents (including fathers); promote flexible working conditions; extend the length of parental leave for all parents (including fathers) and create the necessary conditions for parents taking parental leave not to be disadvantaged or discriminated against at work or on the labour market; provide for the possibility for parents bringing children up on their own to take both the mother's and the father's parental leave combined;

5.2. take into account the difficulties of single-parent families, most of whom are women; and recognise the role of members of the extended family through the creation of special leave for grandparents still at work and for any responsible adult in the family, subject to the prior consent of the parent;

5.3. in times of crisis such as the Covid-19 pandemic ensure that working conditions enable persons responsible for children to provide care for children and support remote learning without being penalised; and secure a healthy lifestyle for children, such as healthy food and physical exercise; view such arrangements as means of preventing mental disorders, burn-out and domestic violence;

5.4. enhance mental health services for children and parents in order to combat childhood mental disorders and perinatal depression effectively; improve services for protection against domestic violence, services for parents with disabilities or parents of children with disabilities, and services for families in situations or at threat of extreme hardship; ensure that the most vulnerable children are given special support without stigmatising their environment or their living conditions;

5.5. adopt a national strategy for early childhood so as to ensure that childcare services can continue to function while catering for the best interests of the child in consultation with local and regional authorities; uphold the quality of care provided in these facilities through dignified working conditions, measures to prevent high staff turnover and appropriate training; and establish a legal right to child care;

5.6. extend the use of free training in parenting strategies to help adults cope with their children at birth and support them in their development; set up guidance on parenting issues; and improve diagnosis and supervision of perinatal depression without stigmatisation;

5.7. take account of the risks that can be posed by the use of screens, not just for children but above all for the sake of harmony within families; launch campaigns not only to combat child addiction to screens but also to help adults in the entourage of such children; and provide the necessary help for parents who are victims of addiction to screens, acting in the best interests of the child and pursuing a positive education plan;

5.8. assess and monitor family policies permanently, covering the national early childhood strategy, so as to help with the ongoing improvement of these policies and review them at regular intervals; allocate sufficient funds for university research on these subjects; and take account of the views of families and children, including those in vulnerable situations, while securing respect for child protection and personal data protection.

6. Bearing in mind its role, working by the member States' side, the Assembly once again calls on the European Union to open negotiations, as soon as possible, on accession to the revised European Social Charter (ETS No. 163), in order to enhance the consistence of the European standards with regard to socio-economic rights.



Resolution 2411 (2021)¹
Provisional version

The impact of the Covid-19 pandemic on education and culture

Parliamentary Assembly

1. Long periods of isolation during the Covid-19 pandemic have shown to what degree education and exposure to culture are vital for individual and collective well-being. The Parliamentary Assembly urges that both sectors must continue to play their fundamental role to uphold an inclusive and democratic society, by reducing inequalities, creating opportunities and helping people, and particularly young people, develop positive attitudes and the competences required to be active and creative citizens in a healthy and vibrant democracy.

2. During the first lockdown in spring 2020, nurseries, primary schools, high schools and universities were closed, as a result a mixed solution of limited physical presence and distance learning has become the norm. Different culture sectors have been particularly hard hit with substantial economic losses. It is of concern that smaller independent cultural institutions are particularly at risk of disappearing if left without any public support. Seven million artists and cultural professionals in Europe are under threat of losing jobs due to the precariousness of their situation.

3. The Assembly welcomes that both the European Commission and the European Parliament have taken important political steps to ensure that education and culture sectors are considered among priorities and will be eligible for support through the emergency European Recovery and Resilience Facility with a reinforced EU budget for the period 2021-27. However, to benefit from this support, education and culture must be included by the member States in their national recovery programmes. There is a special responsibility for all democratic countries to ensure that education and culture can effectively respond to any challenges and obstacles which may derail the democratic process. In this respect a series of measures must be adopted to guarantee this.

4. The Assembly considers *inter alia* that national strategies ought to build on synergies and acknowledge that culture and education policies should be mutually reinforcing. The Council of Europe Reference Framework of Competences for Democratic Culture provides an excellent basis to develop innovative partnerships and projects between schools and different culture sectors to guide young people in developing key democratic competences.

5. In the context of the UN 2030 Sustainable Development Goals and of the European Green Deal, the Assembly considers that investments in education and in cultural and creative sectors in Europe could also be an integral part of investments in innovation leading towards more sustainable and creative economies. Building synergies, mainstreaming culture and education in other sectors and providing incentives for creative partnerships with private sectors could therefore be key for the future.

6. The digital space became the main place for schools and higher education institutions to provide education and for numerous actors in cultural and creative sectors to perform and connect with their audiences. While this can be a very positive trend to democratise access to education and culture it also brings serious threats. The swift change to almost exclusive use of digital technologies has deepened the existing digital divide and inequalities and deprived artists and creative sectors of fair revenue due to lack of

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15397](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Constantinos Efstathiou).
See also [Recommendation 2217 \(2021\)](#).



regulation. The Assembly therefore believes it would be urgent to resolve persisting challenges with global digital providers and to establish strong European digital framework that would be well-adapted for online education and for various cultural online offers.

7. Accordingly, the Assembly calls for the governments and parliaments of the member States of the Council of Europe to evaluate lessons learned from the implementation of emergency measures and review their policies, putting more emphasis on the long-term perspective, and to address structural weaknesses, which have deepened during the Covid-19 pandemic. Policy makers should in particular:

7.1. concerning the overall policy framework:

7.1.1. incorporate education and culture in national Covid-19 recovery plans and long-term strategies;

7.1.2. re-engage in a broad debate on policies for education and culture, encouraging citizen participation in the debate and the involvement of the relevant stakeholders;

7.1.3. consider a broader view across sectors where investments in education and in cultural and creative sectors can be also integral part of investments in innovation, leading towards more sustainable and creative economies in line with the UN 2030 Sustainable Development Goals;

7.1.4. build synergies between the culture sectors and the education system, including formal education and lifelong learning, encouraging innovative partnerships to promote social inclusion and a culture of inclusion;

7.2. concerning the cultural sectors:

7.2.1. sustain the right of everyone to participate in cultural life as a core human right;

7.2.2. secure sustainable funding for cultural policies and develop strategic thinking at inter-ministerial level to mainstream culture and creativity in other policy areas such as education, vocational training, employment, research and innovation, social services, welfare and health; and increase public participation in the definition of cultural policies;

7.2.3. provide support mechanisms for artists and culture-related micro-enterprises and continue to financially support European exchange and co-productions to sustain the diversity of cultural and creative expressions and cultural pluralism, which reflect the vitality of European cultural identities and are also positive factors for innovation, global competitiveness and sustainable development;

7.2.4. improve working arrangements for standard and non-standard cultural workers to ensure social security and decent income levels, and provide them with training on income generation and project financing as well as on digital competences;

7.2.5. co-operate at European level to strengthen the legal protection of authors and regulate digital platforms to ensure fair income and legal protection of artistic and creative work online;

7.3. concerning education:

7.3.1. undertake all efforts to promote equity, social cohesion and active citizenship through high-quality inclusive education in line with the UN Sustainable Development Goal 4 and the Recommendation of the Committee of Ministers CM/Rec (2012)13, and making best use of the available Council of Europe educational materials, guidelines and practical tools;

7.3.2. stimulate both the acquisition of knowledge and personal development of learners, consider different models of delivery ranging from classroom teaching, through working in smaller groups to making use of quality online and blended learning resources and possibilities, and further develop the role that schools play in developing students' competences for democratic culture;

7.3.3. develop a rights-based approach as part of inclusive education, valuing human dignity and human rights, together with a critical understanding of social inequalities;

7.3.4. develop mechanisms that will ensure that quality online education eliminates gender, ethnicity, culture, age and other stereotypes;

7.3.5. give due consideration to the right of learners from language minority groups to learn in their own language, especially in primary education;

7.3.6. provide safe learning environments (in schools, libraries or other public institutions) to avoid learning losses and exclusion;

7.3.7. reassess and review the provision of education for disadvantaged students and those with special needs; consider setting up school-based or local support groups consisting of various stakeholders to provide adequate learning support in co-operation with teachers (trained volunteers, parent peer groups, specialised psychologists and other professionals, IT specialists);

7.3.8. provide pre-service and in-service training and guidance for teachers and supporting staff to implement in an open and creative way the Council of Europe Reference Framework of Competences for Democratic Culture in schools; consider developing conditions for innovative partnerships while involving cultural institutions and individual artists in this process;

7.3.9. facilitate online professional development and peer-to-peer learning opportunities for teachers to meet remotely and share experiences; include relevant methodological training and access to educational resources as part of digital learning opportunities for teachers;

7.3.10. guarantee free access to virtual learning environments, which give access to open educational resources, to alleviate dependence on digital platforms provided by private companies.

8. The Assembly invites the European Union to co-operate with the Council of Europe and support innovative projects and European exchange programmes that could serve as guidance to develop new models ensuring a viable and sustainable functioning of education and culture sectors. Building synergies, mainstreaming culture and education in other sectors and providing incentives for creative partnerships with private sectors would be key for the future, in line with the UN Sustainable Development Goals and the EU Green Deal initiative. Moreover, the Assembly believes it would be urgent to resolve persisting challenges with global digital providers and to establish a strong European digital framework to further democratise access to education and culture, while ensuring that it is well-adapted for online education and that it would guarantee fair treatment and fair income for online cultural offers.



Resolution 2412 (2021)¹

Provisional version

Gender aspects and human rights implications of pornography

Parliamentary Assembly

1. Pornography is ubiquitous and easily accessible, particularly online. It is estimated that over half of all internet traffic is related to pornography and sex, and a large proportion of the population consults pornographic material. This tendency is claimed to have increased during the Covid-19 pandemics.
2. Research shows that pornography contributes to shaping people's mindsets on sexuality and perceptions of gender roles, often engendering and perpetuating stereotypes thereby undermining gender equality and women's self-determination by conveying an image of women as subordinate to men, as objects and trivialising violence against women. Young people are particularly exposed to this risk, as they rely on pornography as a source of information on sexuality for lack of unbiased, reliable information, due to the insufficient comprehensive sexuality education in school curricula.
3. The Parliamentary Assembly expresses its full support to Committee of Ministers Recommendations CM/Rec(2019)1 on preventing and combating sexism, which invites the governments of member States to "promote a gender equality perspective, as well as the development of critical thinking for the countering of sexism in the content, language and illustrations of toys, comics, books, television, video and other games, online content and films, including pornography, which shape the attitudes, behaviour and identity of girls and boys", and CM/Rec(2013)1 on gender equality and media. Implementing the proposals put forward in these recommendations would allow to address the negative and degrading image that pornography portrays of women.
4. Already in 2011, in its [Resolution 1835 \(2011\)](#) "Violent and extreme pornography", the Assembly considered that "this type of pornography further erodes the conditions for achieving effective gender equality, alongside other forms of hard and soft pornography, the widespread use of sexualised images of women for commercial purposes and the portrayal of gender stereotypes by the media and the entertainment industry."
5. The Assembly reiterates that, while freedom of expression is a pillar of democratic societies and a right guaranteed by the European Convention on Human Rights (ETS No. 5), it is possible to set limits to this right when they are prescribed by law and are necessary in the interests of, amongst others, the prevention of crime, the protection of morals and the protection of the rights of others.
6. The Assembly considers that the human rights of people involved in the production of pornography, especially women and in particular performers, should be protected, and that self-determination, safe and dignified work conditions and fair remuneration should be guaranteed.
7. The Assembly notes that pornographic content is increasingly being created privately, by individuals not part of specialised production companies and distributed electronically. This calls for particular caution and for measures regulating the distribution of such content. The self-determination of people involved in the production and the consent of all those being depicted are paramount and must be strictly verified. "Revenge porn", or the non-consensual dissemination, by email, phone messaging, social media or any other means of intimate and sexual images to embarrass and humiliate the persons depicted, is particularly concerning, and should be effectively prosecuted.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15406](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Frank Heinrich).*



8. The Assembly considers that comprehensive sexuality education is a crucial part of young people's preparation to adult life. It should be part of all school curricula and be age-appropriate, medically accurate and evidence-based. Sexuality education should cover issues including contraception and the prevention of sexually transmitted diseases, gender equality, gender norms and stereotypes, prevention of and protection from sexual, gender-based and intimate partner violence, sexual orientation and gender identity and expression, self-determination and consent in relationships and personal interaction.

9. Comprehensive sexuality education should be the main source of information on sexuality for young people, which would prevent the spread of unreliable and potentially harmful information by other sources such as pornography. Media education, aiming to improve interpretation skills and the understanding of written and audiovisual material, may also help to prevent the risk of harmful effects of pornography on the image of women.

10. In light of these considerations, the Assembly calls on member and observer States, as well as Partners for Democracy:

10.1. to fully enforce Committee of Ministers Recommendations CM/Rec(2019)1 on preventing and combating sexism and CM/Rec(2013)1 on gender equality and media;

10.2. as regards education, information and awareness raising, to:

10.2.1. ensure that age-appropriate, scientifically accurate, comprehensive sexuality education is part of all school curricula and mandatory for all pupils, and that children cannot be withdrawn from it. Sexuality education programmes should define, identify and explain the nature of pornography and specify its health, ethical, legal and gender equality implications. They should also highlight that pornography cannot replace reliable sources of information on sexuality and that it may convey inaccurate messages on gender roles, perpetuating gender stereotypes and fostering sexual violence and other forms of gender-based violence;

10.2.2. introduce out-of-school comprehensive sexuality education programmes, similar in content to in-school programmes but open to school-age children who do not attend school and young people above school age;

10.2.3. promote media education as part of school and out of school educational activities and ensure that it covers gender issues including gender stereotypes, sexism and the trivialisation of gender-based violence through pornography, advertising, entertainment and media in general;

10.2.4. introduce warning label systems requiring pornographic websites to display a notice warning about the potential harms of pornography use, similar to alcohol, smoking or online gambling warning labels;

10.2.5. consider introducing measures and tools to enhance the skills of parents to deal with cybersexism and internet pornography, as recommended in Committee of Ministers Recommendations CM/Rec(2019)1;

10.3. as regards data and image protection, to:

10.3.1. effectively enforce regulations on personal data and personal image protection, including in the area of online distribution of pornography;

10.3.2. ensure that all those depicted or otherwise participating in the production of pornographic content have given their free and informed consent to its distribution, in particular by requiring producers to prove verified consent before any image is made public;

10.3.3. within the limits of regulations on the use of private data, require online pornography providers to collect and store the identity and contact details of persons uploading pornographic material for public diffusion, with a view to facilitating criminal prosecution in cases where participants have not consented to diffusion or the material originates from trafficking in human beings, child abuse or other criminal activity;

10.4. as regards criminal law and other legal provisions, to:

10.4.1. consider extending the provisions criminalising the glorification of criminal acts, as along the lines of Article 131 of the German Criminal Code, which sanctions the diffusion of "content that depicts cruel or otherwise inhuman acts of violence against human beings or human-like beings in a manner that glorifies or trivialises such acts of violence or that portrays the cruelty or inhumanity of the act in a manner that violates human dignity", to cover violent pornography;

- 10.4.2. ensure that regulations on online publishing, such as the European Union's Digital Services Act, are applied to all media, including pornographic websites;
 - 10.4.3. include provisions banning the use of pornography in the workplace in legislation on sexual harassment and other forms of harassment in the workplace, and require employers to install and utilise internet filters to this end;
 - 10.4.4. ensure that "revenge pornography" is criminally sanctioned;
 - 10.4.5. require public libraries and schools to install internet filters to block pornography;
 - 10.4.6. consider introducing the obligation for manufacturers and distributors of computers and portable devices to activate anti-pornography filters by default (as opposed to pre-installed but deactivated filters, which are currently the norm);
 - 10.4.7. require internet providers to apply an Opt-in or opt-out clause, asking customers to choose whether pornography should be freely accessible or not through their service;
 - 10.4.8. consider banning public advertising of pornography;
 - 10.4.9. consider introducing country-wide age verification to access pornography, or a legal obligation for companies distributing pornography to verify age;
 - 10.4.10. make complaints procedures available to internet companies in case of unwarranted restrictions or limitations to access to pornography, for the sake of freedom of expression and the neutrality of the Internet;
 - 10.4.11. investigate the possible link between pornography and trafficking in human beings for the purpose of sexual exploitation;
- 10.5. as regards other measures, to:
- 10.5.1. promote research and data collection on pornography, based on a transdisciplinary and cross-cultural approach, and allocate adequate funding for it, with a view to providing accurate information to teaching staff, social workers, healthcare providers and legislators, including on the types and frequency of usage of pornography and on the prevalence and impact of sexist portrayals of women and girls in pornographic material, the extent to which they exacerbate gender inequalities and violence against women and girls, and also on their impact on women's physical, sexual and psychological health;
 - 10.5.2. provide adequately funded exit services to people who wish to leave the sex industry, including pornography;
 - 10.5.3. promote and provide counselling and support services for compulsive users of pornography.



Resolution 2413 (2021)¹

Provisional version

Discrimination against Roma and Travellers in the field of housing

Parliamentary Assembly

1. The right to adequate housing is a recognised international human rights standard, applicable in all Council of Europe member States. Yet for far too many of the estimated 10-12 million Roma and Travellers living in Europe today, access to this right remains illusory. This is the case regardless of whether they seek housing in the form of permanent (fixed) homes or mobile homes adapted to an itinerant lifestyle.
2. The Parliamentary Assembly condemns the fact that many Roma still live segregated from the rest of society, often in isolated settlements on the outskirts of urban centres, through no choice of their own. Such spatial segregation aggravates social isolation and also contributes to the segregation of Roma children in schools. The lack of public transport to isolated, segregated settlements moreover exacerbates difficulties in accessing the labour market and adequate healthcare.
3. The Assembly deplores the fact that lack of access to both the private property market and social housing forces many Roma to live in informal settlements, with no access to electricity, gas or running water, and in unsafe and unhealthy constructions. Far too often, Roma are pushed into living on land that is itself insalubrious and unsafe. Such living conditions harm their health and life expectancy, and hinder access to education and employment.
4. Where Roma do not have legal title to their homes or to the land on which they are built, they are highly vulnerable to forced evictions – without due notice, legal assistance or the provision of alternative accommodation, in violation of international human rights law – and to the demolition and destruction of their property. Such evictions have a devastating impact on other rights, as children lose access to schooling and parents to sources of employment. Where no sustainable alternative accommodation is provided, those concerned may furthermore become homeless or locked into an increasingly harmful cycle of forced evictions. The latter are moreover frequently conducted under high media scrutiny, which casts the evicted persons in a negative light, fuelling antigypsyist stereotypes and sentiments.
5. In many States, insufficient sites are provided for Travellers wishing to maintain an itinerant lifestyle, forcing them to stop in unauthorised locations, whether on public or private property, and exposing them to being violently expelled and moved on – but with nowhere to go. The sites that are provided are often not adequately equipped or maintained. Travellers too are thus frequently exposed to insalubrious living conditions, with all the human rights violations these entail.
6. The Assembly deplores the antigypsyism and anti-nomadism that are frequently at the heart of these grave human rights violations. Instead of seeking to build trust and mutual confidence and combating these phenomena, local authorities often use their prevalence among inhabitants as an excuse for taking no action to remedy these violations, or for carrying out forced evictions. Images of Roma and Travellers living in inadequate conditions are moreover frequently used by both politicians and the media to fuel such racist

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 November 2021 (see [Doc. 15393](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr František Kopřiva).*



sentiments further. In both cases, the failure to provide long-term solutions not only prolongs the human rights violations experienced by Roma and Travellers but also increases tensions and sources of conflict within communities.

7. The Assembly strongly condemns the numerous violent racist attacks that have been carried out in recent years in many member States against villages, settlements, sites, houses, dwellings, caravans and other places where Roma and Travellers live. It underlines that segregated living conditions aggravate the risks of such criminal actions, by making these areas easy targets for attack.

8. The Assembly moreover underlines that the situations described above violate numerous international human rights instruments and standards, including but not limited to the European Convention on Human Rights (ETS No. 5), the European Social Charter (Revised) (ETS No. 163), the Framework Convention for the Protection of National Minorities (ETS No. 157) and the International Covenant on Economic, Social and Cultural Rights, as well as General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma adopted by the European Commission against Racism and Intolerance (ECRI). They are also regularly denounced by ECRI and the Advisory Committee on the Framework Convention in their country monitoring work.

9. The Assembly observes that situations of inadequate housing, including the failure to provide sufficient halting sites for Travellers, may result in some cases from a failure to analyse the needs of Roma and Travellers in this field and to make provision for them in consequence. They may also in part be due to inadequate legislation at national level, inadequate implementation of it by local authorities, or both. Frequently, local authorities that fail to respect their obligations under national law in the field of housing face few or no sanctions, allowing these violations to persist for many years.

10. The Assembly welcomes the adoption by many European States in recent years of strategies for Roma inclusion which include elements devoted to improving the access of Roma and Travellers to adequate housing. However, it regrets that these strategies are frequently not accompanied by the allocation of sufficient funding, and local, regional and national authorities often do not make use of funds provided at European and international level that could contribute to eliminating human rights violations in this field. It is clear that much remains to be done in order to make the right to adequate housing and accommodation a lived reality for Roma and Travellers in Europe.

11. In the light of the above considerations, the Assembly urges member States of the Council of Europe, in co-operation with local and regional authorities having competencies in the field of housing, including the provision of halting sites for Travellers, and always in close consultation with representatives of Roma and Travellers, to:

11.1. map the housing and accommodation needs of Roma and Travellers living in or travelling through the areas for which they are responsible, and co-operate with neighbouring authorities to ensure that a holistic perspective is taken, guaranteeing that these needs will be fully provided for;

11.2. explore all measures that could respond to the needs identified in their State and that would enable Roma and Travellers seeking permanent housing to accede to it, including measures such as the legalisation of existing homes, including caravans; ensuring that persons living without legal title to property can benefit from security of tenure; providing or facilitating access to microcredits enabling the acquisition of property; increasing the provision of social housing and revising the criteria of access to it in order to ensure that Roma and Travellers are not arbitrarily excluded from it;

11.3. ensure that the measures implemented provide sustainable and holistic solutions, including by providing necessary infrastructures such as access to running water, sewerage systems, electricity and gas, as well as adequate roads, ensuring access to indispensable public services such as schooling, healthcare and public transport;

11.4. ensure that the measures implemented do not themselves contribute to creating or maintaining the segregation of Roma and Travellers, but on the contrary encourage their full inclusion in local communities;

11.5. allocate sufficient funding to these measures, and make use to the fullest extent possible of European and international sources of funding;

11.6. put an immediate end to forced evictions of Roma and Travellers, and notably:

11.6.1. carry out evictions only as a last resort and in the most exceptional circumstances, where no other alternative exists, and following full consultation of and negotiation with the persons concerned;

11.6.2. provide adequate notice of any planned evictions, ensure that all Roma and Travellers subject to eviction are fully informed of their rights and make available to them effective and affordable legal remedies, including access to legal assistance;

11.6.3. propose adequate alternative accommodation to all individuals concerned prior to any eviction, ensuring that such accommodation does not lead to or perpetuate segregation;

11.6.4. ensure respect for the best interests of the child at all times, and take full account in this context of the need to ensure that families are not separated and that equal access to education and healthcare is guaranteed;

11.6.5. ensure that any evictions effectuated are carried out without violence, harassment or discrimination and without endangering the health, life or well-being of the persons evicted, and that no evictions are carried out during the winter or periods of cold weather;

11.6.6. ensure that Roma and Travellers subject to eviction are able to salvage their belongings and are not coerced into destroying their homes.

12. The Assembly considers that fulfilling the right of Roma and Travellers to adequate housing requires broader support measures, and therefore calls upon member States to:

12.1. ensure that international human rights standards with respect to the right to adequate housing, including with respect to the prevention of forced evictions, are fully incorporated in domestic legislation, and that such legislation also covers the right to live in mobile housing;

12.2. enact and strictly enforce legislation to prevent the carrying out of evictions contrary to the above safeguards;

12.3. ensure that national anti-discrimination legislation applies to the right to housing and that acts of discrimination against Roma and Travellers in this field are effectively sanctioned;

12.4. support civil society organisations working to combat discrimination against Roma and Travellers and ensure that Roma and Travellers are not arbitrarily excluded from access to legal aid and assistance in cases concerning the right to adequate housing and to be free from discrimination in this field;

12.5. work together with local authorities and communities, including with civil society representatives and other relevant stakeholders, to improve communication, mutual understanding and trust, as the most effective means of identifying and implementing long-term solutions to prevent human rights violations in this field.

13. The Assembly welcomes the continued attention paid by the Committee of Ministers to the realisation of the rights of Roma and Travellers, through the adoption of the Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020-2025). It welcomes the latter's recognition that antigypsyism and discrimination in the field of housing perpetuate the marginalisation of Roma and Traveller communities and individuals and hinder policy initiatives to improve their situation, and considers it crucial that these issues are covered in the monitoring of the implementation of the Action Plan.

14. It also welcomes the continuing co-operation between the Council of Europe and the European Union in this field, notably through the implementation of their ROMACT and ROMACTED Joint Programmes, which aim to assist mayors and municipal authorities to work together with local Roma communities to develop policies and public services that are inclusive of all, including Roma, and to improve the responsiveness and accountability of local authorities towards marginalised Roma communities.

15. Given the unique mandate of the Council of Europe Development Bank (CEB) to promote social cohesion in Europe, the Assembly calls for local, regional and national policymakers to consider collaboration opportunities with the Bank in provision of such housing needs, given the Bank's unique mandate to promote social cohesion in Europe, and in particular through loans for financing sustainable and affordable housing for vulnerable populations.

16. The Assembly urges all member States to tackle antigypsyism and anti-nomadism effectively, recognising these phenomena as forms of racism that must be covered by criminal and civil law provisions prohibiting racism and racial discrimination, and working together with Roma and Travellers to overcome stereotypes and prejudice within the broader community, as well as to overcome mutual distrust.

17. The Assembly further invites national parliaments to support the No Hate Parliamentary Alliance, its mandate and its functioning.