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**TEXTS ADOPTED  
BY THE ASSEMBLY**

**Provisional versions**

## Table of contents

### Recommendations

<a href="#">Recommendation 2218 (2022)</a>	The right to be heard: child participation, a foundation for democratic societies ( <a href="#">Doc. 15435</a> )
<a href="#">Recommendation 2219 (2022)</a>	Inaction on climate change – a violation of children's rights ( <a href="#">Doc. 15436</a> )
<a href="#">Recommendation 2220 (2022)</a>	Combating rising hate against LGBTI people in Europe ( <a href="#">Doc. 15425</a> )
<a href="#">Recommendation 2221 (2022)</a>	Football governance: business and values ( <a href="#">Doc. 15430</a> )
<a href="#">Recommendation 2222 (2022)</a>	Beating Covid-19 with public health measures ( <a href="#">Doc. 15444</a> )
<a href="#">Recommendation 2223 (2022)</a>	Ending enforced disappearances on the territory of the Council of Europe ( <a href="#">Doc. 15431</a> )
<a href="#">Recommendation 2224 (2022)</a>	The Observatory on History Teaching in Europe ( <a href="#">Doc. 15423</a> )

### Resolutions

<a href="#">Resolution 2414 (2022)</a>	The right to be heard: child participation, a foundation for democratic societies ( <a href="#">Doc. 15435</a> )
<a href="#">Resolution 2415 (2022)</a>	Inaction on climate change – a violation of children's rights ( <a href="#">Doc. 15436</a> )
<a href="#">Resolution 2416 (2022)</a>	European Union Pact on Migration and Asylum: a human rights perspective ( <a href="#">Doc. 15438</a> )
<a href="#">Resolution 2417 (2022)</a>	Combating rising hate against LGBTI people in Europe ( <a href="#">Doc. 15425</a> )
<a href="#">Resolution 2418 (2022)</a>	Alleged violations of the rights of LGBTI people in the Southern Caucasus ( <a href="#">Doc. 15429</a> )
<a href="#">Resolution 2419 (2022)</a>	The role of the media in times of crisis ( <a href="#">Doc. 15437</a> )
<a href="#">Resolution 2420 (2022)</a>	Football governance: business and values ( <a href="#">Doc. 15430</a> )
<a href="#">Resolution 2421 (2022)</a>	Sports policies in times of crisis ( <a href="#">Doc. 15426</a> )
<a href="#">Resolution 2422 (2022)</a>	Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation ( <a href="#">Doc. 15443</a> )
<a href="#">Resolution 2423 (2022)</a>	Poisoning of Alexei Navalny ( <a href="#">Doc. 15434</a> )
<a href="#">Resolution 2424 (2022)</a>	Beating Covid-19 with public health measures ( <a href="#">Doc 15444</a> )
<a href="#">Resolution 2425 (2022)</a>	Ending enforced disappearances on the territory of the Council of Europe ( <a href="#">Doc. 15431</a> )
<a href="#">Resolution 2426 (2022)</a>	The Observatory on History Teaching in Europe ( <a href="#">Doc. 15423</a> )
<a href="#">Resolution 2427 (2022)</a>	The functioning of democratic institutions in Armenia ( <a href="#">Doc. 15432</a> )
<a href="#">Resolution 2428 (2022)</a>	The progress of the Assembly's monitoring procedure (January-December 2021) ( <a href="#">Doc. 15433</a> )

Recommendations  
2218 to 2224





## Recommendation 2218 (2022)<sup>1</sup>

Provisional version

# The right to be heard: child participation, a foundation for democratic societies

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2414 \(2022\)](#) “The right to be heard: child participation, a foundation for democratic societies”, as well as to its [Resolution 2415 \(2022\)](#) “Inaction on climate change – a violation of children's rights”.
2. The Assembly is convinced that considering children’s views on any decisions affecting their lives is an essential pre-condition for building democratic societies. The Council of Europe should further strengthen its support to member States in promoting systematic, effective, and inclusive child participation.
3. The Assembly notes that a solid foundation for promoting child participation is provided by Council of Europe instruments, such as the Congress of Local and Regional Authorities’ Recommendation 128 (2003) on the Revised European Charter on the Participation of Young People in Local and Regional Life; the Assembly [Recommendation 1864 \(2009\)](#) “Promoting the participation by children in decisions affecting them”; the Committee of Ministers Recommendation CM/Rec(2012)2 on “Participation of children and young people under the age of 18” and Recommendation CM/Rec(2010)7 on the “Council of Europe Charter on education for democratic citizenship and human rights education”.
4. The Assembly highlights that the UN 2030 Agenda for Sustainable Development acknowledges children’s right to participation as an essential part of achieving the Sustainable Development Goals. The Council of Europe should make full use of the current impetus and intensify its work on child participation.
5. The Assembly recommends that the Committee of Ministers:
  - 5.1. support the effective implementation of the Council of Europe Strategy on the Rights of the Child (2022-2027), as an essential framework for the development, protection, and promotion of the rights of the child;
  - 5.2. continue to promote synergies on the rights of the child and child participation with the institutions of the United Nations and the European Union, including the European Commission, the European Parliament, and the Committee of the Regions, associating the Assembly where appropriate, and assess together what joint action on child participation could be useful;
  - 5.3. give high priority to child participation in the framework of the review of the implementation of the Council of Europe Charter on education for democratic citizenship and human rights education;
  - 5.4. set up an inter-sectorial panel bringing together representatives of relevant committees and monitoring bodies, including from the Assembly, to review, assess, and co-ordinate Council of Europe action on child participation (including child safeguarding), and make recommendations for further development, with a view to mainstreaming meaningful and effective child participation across the Organisation.

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1. *Assembly debate* on 24 January 2022 (2nd sitting) (see Doc. 15435, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Baroness Doreen E. Massey). *Text adopted by the Assembly* on 24 January 2022 (2nd sitting).







## Recommendation 2219 (2022)<sup>1</sup>

Provisional version

# Inaction on climate change – a violation of children's rights

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2415 \(2022\)](#) “Inaction on climate change – a violation of children's rights” and [Resolution 2414 \(2022\)](#) “The right to be heard: child participation, a foundation for democratic societies”. It welcomes the growing attention of various Council of Europe bodies to challenges linked to climate change, environmental threats and the new generation of human rights, including the right to a safe, clean, healthy and sustainable environment, which call for comprehensive, co-ordinated and inclusive strategies at international, European and national levels.

2. The Assembly believes that the Council of Europe should support a cross-sector approach to dealing with climate change, environmental threats and the right to a healthy environment, and should involve children whenever possible in its work on these issues. It therefore recommends to the Committee of Ministers to ensure that:

2.1. the Council of Europe Strategy on the Rights of the Child 2022-2027 contains a reference to the impact of climate change and environmental threats on children's rights, and that the connected Action Plan promotes child participation in addressing these challenges at various levels of governance across Europe;

2.2. meaningful child participation is mainstreamed into all Council of Europe work on countering climate change and environmental threats, and on anchoring the right to a safe, clean, healthy and sustainable in Council of Europe instruments and action;

2.3. in the absence of a legally binding definition of climate or environmental refugees, member States collaborate towards establishing such a legal status at international and European levels and adequately protect the victims of forced migration due to climate change and environmental degradation, in particular children;

2.4. member States are reminded of their common but differentiated responsibilities in addressing climate change and seek ambitious action to honour their international commitments – including assistance to the poorest and most climate-vulnerable countries to help them adapt to climate change, reduce its adverse effects on children and cope with the ecological crisis – under the 2030 Agenda for Sustainable Development 2030, the Paris Agreement and the United Nations Convention on the Rights of the Child.

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1. *Assembly debate* on 24 January 2022 (2nd sitting) (see [Doc. 15436](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Jennifer De Temmerman). *Text adopted by the Assembly* on 24 January 2022 (2nd sitting).









**Recommendation 2220 (2022)<sup>1</sup>**

Provisional version

## Combating rising hate against LGBTI people in Europe

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2417 \(2022\)](#) “Combating rising hate against LGBTI people in Europe”, in which it calls on member States to tackle hatred and discrimination against LGBTI people with renewed energy and urgency.
2. The Assembly believes it is crucial that member States redouble their efforts in this field and that the Council of Europe strengthen its own activities to protect and promote the rights of LGBTI persons in Europe.
3. The Assembly therefore invites the Committee of Ministers to:
  - 3.1. bring [Resolution 2417 \(2022\)](#) to the attention of the governments of all member States as well as Opinion No. 1059/2021 of the European Commission for Democracy through Law (Venice Commission), and consider follow-up measures to these texts;
  - 3.2. ensure that adequate resources are allocated to work on equality of rights for LGBTI persons, combating hate speech and hate crime, and intergovernmental standard-setting in these fields;
  - 3.3. support the periodical review process regarding the implementation of Recommendation [CM/Rec\(2010\)5](#) of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity.

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1. *Assembly debate* on 25 January 2022 (3rd sitting) (see [Doc. 15425](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Fourat Ben Chikha). *Text adopted by the Assembly* on 25 January 2022 (3rd sitting).







## Recommendation 2221 (2022)<sup>1</sup>

Provisional version

# Football governance: business and values

Parliamentary Assembly

1. The Parliamentary Assembly, recalling its [Resolution 2420 \(2022\)](#) “Football governance: business and values”, considers that sports in general and football in particular are powerful tools to uphold human rights and welcomes the attention paid by the Enlarged Partial Agreement on Sport (EPAS) and by the Council of Europe intergovernmental bodies to the human-right dimension of sports governance.
2. Unfortunately, human rights are also threatened within the sports world. The Assembly is particularly troubled by the fact that many high-profile cases came to light in recent years of child abuse across sports (including football) and around the world. Through its intergovernmental networks, the Council of Europe mobilised efforts to tackle the problem and the Assembly warmly commends the “Start to Talk” initiative.
3. The ministers responsible for Sport, meeting under the Greek presidency, for their 16th Council of Europe Conference, in their Resolution No. 2 “Human rights in sport”, expressed their concerns with the human rights violations occurring in the context of sport, in particular (but not only) against children and women. The ministers invited EPAS, where appropriate in co-operation with the sports movement and with other bodies, to engage with Council of Europe member States and the sports movement to promote children’s rights and implement child safeguarding policies; they also invited Council of Europe member states to integrate the protection of human rights in the design of sport policies and to use the Council of Europe standards and tools to enhance the protection of children’s rights in sport.
4. The Assembly considers that, on the same line, the Council of Europe and all its member States should strongly support the project initiated by FIFA (International Federation of Association Football) to establish a Safe Sport Entity, namely an independent, multi-sports, multi-agency international entity to investigate abuse cases in sports, providing trusted and accessible reporting lines for victims of abuse in sport, and to take prompt action to protect and care for them.
5. The ministers responsible for Sport also acknowledged that the considerable economic interests tied to professional sport could prompt different actors, including intermediaries, to adopt negligent or fraudulent practices leading to human rights risks and abuses; the ministers also denounced, in this respect, abusive practices observed in connection with the migration of athletes.
6. Having this in mind, the Assembly considers that it is fundamental to regulate at global level the football transfer system, including the adoption of rules seeking to ensure protection of minors, the transparency of financial flows linked to players transfers and a sound framework for the access to and exercise of the profession of agent or intermediary, also with a view to avoid conflict of interests and exorbitant fees. For the Assembly, FIFA is entitled to issue such regulations provided that, in implementing its regulatory powers, it strictly respects the proportionality principle and does not set constraints or limitations exceeding those required to protect the legitimate interests that the regulations are designed to safeguard.

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1. *Assembly debate* on 26 January 2022 (5th sitting) (see [Doc. 15430](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Lord George Foulkes). *Text adopted by the Assembly* on 26 January 2022 (5th sitting).



7. The Assembly highly praises the co-operation framework that the Council of Europe established with FIFA and UEFA by signing memorandums of understandings with these partners. It believes that it could be useful to set up similar co-operation frameworks with other sports organisations which would be ready to uphold Council of Europe values and to engage in collaborative project development with the Council of Europe bodies.

8. Therefore, the Assembly recommends that the Committee of Ministers:

8.1. arrange for the Council of Europe intergovernmental sector to assist with its expertise in the establishment and operation of a Safe Sport Entity and urge all member States to engage with this project and commit to support the founding and the operation of this entity;

8.2. encourage member States to uphold FIFA efforts to regulate at global level the football transfer system, including the adoption of rules seeking to ensure protection of minors, the transparency of financial flows linked to players transfers and a sound framework for the access to and exercise of the profession of agent or intermediary, provided that the constraints and limitations established by these rules are reasonable and do not go beyond what is necessary to protect the legitimate interests at stake;

8.3. seek to further enhance and possibly formalise Council of Europe co-operation with sports organisations willing to collaborate to enhance human rights protection and promote the effective implementation of relevant Council of Europe conventions.



## Recommendation 2222 (2022)<sup>1</sup>

Provisional version

# Beating Covid-19 with public health measures

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2424 \(2022\)](#) “Beating Covid-19 with public health measures”. The Covid-19 pandemic is not over, it is thus urgent that all countries learn the lessons of the pandemic so far, starting with the implementation of the necessary public health and social measures to get the pandemic under control. The toolkit for governments on respecting human rights, democracy and the rule of law during the Covid-19 crisis, issued by the Secretary General of the Council of Europe, thus remains fully relevant.

2. However, the Covid-19 pandemic is far more than a health crisis, as it affects societies and economies at their core with the increase of poverty and inequalities both within member States and globally, thus also resulting in a setback for the achievement of the United Nations Sustainable Development Goals. As has been pointed out at several junctures of the pandemic, “no-one is safe until everyone is safe”. The Assembly thus recommends that the Committee of Ministers support the necessary paradigm shift to beating Covid-19 with public health measures in a human-rights compliant way, and begin to prepare for future threats such as the climate crisis, including by recommending that member States:

2.1. implement the recommendations set out in [Resolution 2424 \(2022\)](#), and [Resolution 2329 \(2020\)](#) on “Lessons for the future from an effective and rights-based response to the Covid-19 pandemic”;

2.2. support reform of the World Health Organization (WHO) and the proposal to draft and negotiate a convention, agreement or other international instrument under its Constitution to strengthen pandemic prevention, preparedness and response.

3. The Assembly welcomes the creation of the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), and recommends that the Committee of Ministers promote close co-operation and co-ordination between this Committee, WHO Headquarters and WHO/Europe, the European Social Charter (ETS No. 35), the European Directorate for the Quality of Medicines & HealthCare (EDQM) and the Assembly, with a view to ensuring that it can act as a scientific and policy interface to support appropriate pandemic prevention, preparedness and response.

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1. *Assembly debate* on 27 January 2022 (7th sitting) (see [Doc. 15444](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 27 January 2022 (7th sitting).







**Recommendation 2223 (2022)<sup>1</sup>**  
Provisional version

## Ending enforced disappearances on the territory of the Council of Europe

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2425 \(2022\)](#) “Ending enforced disappearances on the territory of the Council of Europe” and stresses how crucially important it is for human rights and the rule of law that fresh impetus be given to international efforts to put an end to enforced disappearances in Europe and elsewhere in the world.
2. With this aim in mind, the Assembly recommends that the Committee of Ministers:
  - 2.1. promote ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (CED) by all the Council of Europe's member States and recognition of the full competence of the Committee on Enforced Disappearances as well as the transposition into national legislation of all the preventive and repressive measures foreseen by the CED;
  - 2.2. provide technical assistance, with the co-operation of the States that are already parties to the CED, to all interested States in order to help them implement the CED, on the basis of in-depth analysis of the existing legislation of the States concerned;
  - 2.3. set up, within the Council of Europe, a task force on enforced disappearances responsible for co-ordinating the aforementioned activities and monitoring the progress of legal protection against this crime in the Council of Europe's member States and fostering better prevention, with the involvement of civil society;
  - 2.4. place special emphasis on execution of the judgments of the European Court of Human Rights relating to cases of enforced disappearances as well as to the implementation of the relevant provisional measures indicated by the European Court of Human Rights;
  - 2.5. encourage member States to impose sanctions against state bodies, state-controlled groups and individuals implicated in the cases of enforced disappearance in the territories of the Council of Europe's member States or which are obstructing effective investigation into such cases;
  - 2.6. support the idea of holding a world conference on the topic of enforced disappearances, which would also provide an opportunity for States to announce new ratifications of the CED.

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1. *Assembly debate* on 27 January 2022 (7th sitting) (see [Doc. 15431](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr André Gattolin). *Text adopted by the Assembly* on 27 January 2022 (7th sitting).









**Recommendation 2224 (2022)<sup>1</sup>**

Provisional version

## The Observatory on History Teaching in Europe

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 2426 \(2022\)](#) “The Observatory on History Teaching in Europe”, believes that history education is key to strengthening a sense of citizenship. Historical knowledge and critical understanding of political, social, cultural and economic systems and of their interaction are the basis of a more nuanced and mutually respectful debate, and of deeper understanding of the past and present, thus preparing young people for democracy.

2. The Assembly welcomes the decision of the Committee of Ministers to establish the Enlarged Partial Agreement on the Observatory on History Teaching in Europe, also giving a timely impetus to its long-standing intergovernmental programme on history education. Following this very positive momentum, the Assembly considers that it would be important to define in more detail how the activities of the Observatory would tie in with the ongoing work of the Council of Europe on history education (involving 47 member States), so that they are mutually reinforcing.

3. The Assembly emphasises that the Council of Europe guiding principles for history education and the Reference Framework of Competences for Democratic Culture are excellent guiding tools to be further promoted and broadly implemented in member States.

4. In this context, the Assembly recommends that the Committee of Ministers:

4.1. provide adequate support for the activities of the Council of Europe Education Department concerning history education to ensure good synergy with the activities of the Observatory and a long-term viability of the intergovernmental programme;

4.2. provide assistance to member States to review their education policies, and also to integrate the Council of Europe guiding principles for history education and the Reference Framework of Competences for Democratic Culture;

4.3. develop co-operation with the European Union, UNESCO and other relevant international organisations within the framework of the activities of the Observatory;

4.4. encourage co-operation between European professional associations and institutes active in history education, making full use of the networking platform provided by the Observatory;

4.5. invite those States parties to the European Cultural Convention (ETS No. 18) not yet members of the Enlarged partial agreement on the Observatory on History Teaching in Europe to join it.

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1. *Assembly debate* on 27 January 2022 (8th sitting) (see [Doc. 15423](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Bertrand Bouyx). *Text adopted by the Assembly* on 27 January 2022 (8th sitting).





Resolutions  
2414 to 2428





## Resolution 2414 (2022)<sup>1</sup>

Provisional version

# The right to be heard: child participation, a foundation for democratic societies

Parliamentary Assembly

1. Every child has the right to speak and to be heard. Their experiences, thoughts, and feelings must be taken into account when decisions are made about their lives. Children are knowledgeable, resourceful, enthusiastic, daring, and creative. Listening to children can help us make our societies a better place for everyone.
2. While climate change, the Covid-19 pandemic, and the subsequent social crisis are putting children's future at risk, decisions on these issues continue to be made with little or no regard to the children's concerns. It is time for governments and parliaments to consider children's views whenever decisions affecting their lives are made and put into practice.
3. Traditionally, policy makers focus on topics related to childcare and child protection – be it the right to family life, to health, or to education. Child protection is certainly of huge importance, but so is the development of children's capacities to think and act with confidence. Indeed, when done with due care to the age and maturity of the child, such empowerment may enhance levels of protection. In many contexts, children themselves can inform policy makers about their needs, with the help of well-tried child-friendly approaches and methodologies.
4. Truly democratic societies cannot be built unless we listen to children (those people under 18 years of age). Child participation in political decision making strengthens their understanding of democracy and their skills for dialogue, their understanding of their rights, and their capability to resolve conflicts without violence. It enables them to respect themselves and others and increases confidence and self-esteem. It is also an essential building block of democratic security and the stability of our societies.
5. In the past decade, child participation has gained unprecedented levels of attention and has become a must for many organisations. Nevertheless, while there exists a wealth of examples of successful practice, too often child participation is not given sufficient priority and resources, and remains tokenistic, sporadic, or limited to the privileged and articulate minority.
6. The Parliamentary Assembly recalls that child participation is enshrined in the United Nations Convention on the Rights of the Child and is therefore an international legal obligation. The UN 2030 Agenda for Sustainable Development acknowledges children's right to participation as an essential part of achieving the Sustainable Development Goals. Child participation is also included in the Charter of Fundamental Rights of the European Nations. The Council of Europe Committee of Ministers, the Assembly, and other bodies have adopted texts on child participation, which provide a comprehensive framework and useful guidance, remain valid and need to be better known and used.

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1. *Assembly debate* on 24 January 2022 (2nd sitting) (see [Doc. 15435](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Baroness Doreen E. Massey). *Text adopted by the Assembly* on 24 January 2022 (2nd sitting).

See also [Recommendation 2218 \(2022\)](#).



7. The Assembly thus calls on the Council of Europe member States and on national parliaments to support effective and sustainable child participation, and to this effect to:
  - 7.1. review the progress achieved, in accordance with the above-mentioned standards and guidance, identify gaps, and take measures to support effective child participation;
  - 7.2. ensure that child participation is systematic and inclusive, with a particular focus on children in vulnerable situations; that it is well prepared and evaluated; that children's views are duly reflected when decisions are made; and that children are provided with feedback on how their views were taken into account;
  - 7.3. support systematic capacity building for promoting child participation among all professionals dealing with children, as well as among parliamentarians and public service officials, through initial and in-service training and education and public awareness campaigns;
  - 7.4. support the development and ensure due respect of relevant safeguarding provisions, with special care for the needs of children in vulnerable situations;
  - 7.5. support local and regional authorities and civil society organisations in promoting child participation;
  - 7.6. consider lowering the voting age to 16;
  - 7.7. make full use of Council of Europe tools, such as the Handbook on children's participation "Listen – Act – Change", the Child Participation Assessment Tool, the Reference framework of competences for democratic culture and the "Compasito" manual for human rights education with children;
  - 7.8. support international co-operation in the area of child participation, including with other regional and international organisations.
8. The Assembly undertakes to put child participation in practice in its own work as follows:
  - 8.1. consult children, who have diverse backgrounds and thus are representative of our societies, in the preparation of the Assembly reports that concern them, in an appropriate way and with due respect to child safeguarding procedures, for example through written consultations, participation in hearings, focus groups and parliamentary networks; give children a voice in the debate of Assembly reports that concern them, for example by inviting a child representative to take the floor in the debate of the report in plenary or in the Standing Committee, and provide children with feedback on how their contributions were used and what impact they may have had;
  - 8.2. monitor Assembly reports for compliance with the rights of the child and child participation;
  - 8.3. pay particular attention to the participation of children in situations of vulnerability;
  - 8.4. support systematic information sharing and synergies with other Council of Europe bodies, international and European institutions, such as UNICEF, the Inter-Parliamentary Union (IPU), the European Commission, the Committee of the Regions, the European Parliament, and with the voluntary sector;
  - 8.5. consider facilitating annual reviews of child participation in parliaments, with the support of the European Centre for Parliamentary Research and Documentation (ECPRD) and with Eurochild.
9. The Assembly welcomes the adoption of the EU Strategy on the Rights of the Child in 2021, and the preparation of the Council of Europe Strategy on the Rights of the Child, as well as the European Commission's European Child Guarantee and expresses its support for the plans for the setup of the EU Children's Participation Platform and of a space for children to become active participants in the European Climate Pact through pledges or by becoming Pact Ambassadors.



## Resolution 2415 (2022)<sup>1</sup>

Provisional version

# Inaction on climate change – a violation of children's rights

Parliamentary Assembly

1. The climate crisis is threatening the future of humanity and is already hitting the most vulnerable particularly hard. As extreme climatic events become more frequent, intense and devastating, 2.2 billion children worldwide will increasingly be deprived of their fundamental rights, including to health, food, water, shelter and quality education. According to UNICEF, nearly one billion children live in areas exposed to an extremely high risk of impact from climate change and environmental degradation, which could kill 250 000 children additionally each year between now and 2100.

2. Lack of effective action to tackle climate change constitutes a violation of children's rights as set out in the United Nations Convention on the Rights of the Child (UNCRC). This concerns, in particular, the right to life, development, health and medical care, care and education, a good standard of living, information, protection and assistance.

3. Whilst all Council of Europe member States have ratified both the UNCRC and the Paris Agreement on Climate Change, they face considerable implementation challenges. Air pollution, in particular, is an omnipresent, massive and constant threat to children's health that stems largely from human activities and greenhouse gas emissions which also contribute to climate change. The world's children are anxious about the prospect of deadly global warming and demand to be associated with action against climate change. They are concerned with the lack and slow pace of progress as regards the achievement of the Sustainable Development Goals (SDGs), including Goal 13 on the fight against climate change which requires wide-ranging changes in policies and society's way of life.

4. The Parliamentary Assembly appreciates the readiness of the world's children to be actors of change and transformation in society. In this context, it recalls its [Recommendation 2211 \(2021\)](#) and [Resolution 2396 \(2021\)](#) "Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe" and stresses the need for member States to shoulder their shared responsibility and act in concert to advance the new generation of rights in order to better safeguard the well-being of both present and future generations. Unless they do so, member States will continue to be subjected to environmental litigation by today's children and young people who seek climate justice, and rightly so.

5. The Assembly acknowledges a widespread and deep-seated existential angst – eco-anxiety – among children, driven by a sense of helplessness and disappointment with the adults' failure to tackle climate change more decisively and earlier. It believes that society should listen to children more carefully and involve them in the elaboration of policies and measures to combat climate change at every level of governance. The Assembly underscores the special role schools and education systems play in informing children about ecological challenges and equipping them with tools for civic and pro-climate action. However, the responsibility to act to fight climate change lies with adults, not children.

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1. *Assembly debate* on 24 January 2022 (2nd sitting) (see [Doc. 15436](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Jennifer De Temmerman). *Text adopted by the Assembly* on 24 January 2022 (2nd sitting).

See also [Recommendation 2219 \(2022\)](#).



6. The Assembly welcomes the decision of the United Nations Human Rights Council recognising the right to a safe, clean, healthy and sustainable environment as a fundamental human right. It also hails the ruling of the United Nations Child Rights Committee establishing that a State party to the UNCRC can be held responsible for the harmful effects of its carbon emissions on the rights of children on its territory and beyond, thus effectively highlighting States' individual and shared responsibility for climate action and better protection of children's best interest.

7. To meet children's desire for participation in decision making, the Assembly commits to dialogue with children on climate action and protection of the environment, including via the outreach activities of its parliamentary network on the topic, which is being launched in early 2022. The Assembly shall also seek to foster children's participation in democratic debates on climate change at international and European level and via national, regional and local parliamentary activities. Our aim is to replace the current spirit of intergenerational distrust with a sense of co-operation that would open the door to including children in other debates of relevance to them in a meaningful way, as suggested also in [Resolution 2414 \(2022\)](#) "The right to be heard: child participation, a foundation for democratic societies".

8. The Assembly is convinced that, in the fight against climate change, the challenge of preserving a viable environment must be combined with the need to uphold human rights of all generations. In order to ensure a sustainable future for the world's children, it therefore puts forward the following recommendations to member States, based on its own work and consultations with children, urging them to:

8.1. honour their international commitments to combat climate change and implement the rights of the child as set out in the SDGs, the Paris Agreement and the UNCRC;

8.2. work together towards anchoring the human right to a safe, clean, healthy and sustainable environment through national, European and international legal instruments according to the proposals contained in the Assembly's [Resolutions 2396 \(2021\)](#) and [2399 \(2021\)](#) and [Recommendations 2211 \(2021\)](#) and [2214 \(2021\)](#) on, respectively, "Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe" and "The climate crisis and the rule of law", in order to establish transgenerational responsibility for the preservation of the environment and new remedies for children;

8.3. collaborate with a view to establishing an international legal status for environmental refugees and protecting the victims of forced migration due to climate change and environmental degradation, in particular children;

8.4. keep the promises of financial assistance and sharing of their knowledge (technical and technological) with regard to the poorest and most climate-vulnerable countries to help them adapt to climate change, reduce its adverse effects on children and cope with the ecological crisis;

8.5. strengthen international co-operation in the protection of the rights of the child and of future generations and encourage the contribution of civil society actors and businesses in order to mitigate the harmful effects of climate change on young populations;

8.6. take immediate action in the face of the climate crisis, according to national capacities, in the interest of the rights of the child and of future generations, including by systematically assessing the impact of relevant legislation and policies on children and future generations vis-à-vis the right to a safe, clean, healthy and sustainable environment;

8.7. give priority to climate change adaptation policies favouring the resilience of children to climate change and initiatives to improve the quality of life and health of children, notably via the development of resilient and green infrastructures in schools, a sustainable energy supply, the establishment of "zero emissions" zones around childcare centres and schools, the obligation to use short circuits for the supply of food products and the promotion of "good for the planet" meals in schools;

8.8. take strong measures to reduce the exposure of children to air pollution in accordance with [Resolution 2286 \(2019\)](#) "Air pollution: a challenge for public health in Europe";

8.9. recognise children as agents of change in the climate crisis through a top-down and bottom-up approach by involving children in decision making, promoting children's participation through the establishment of consultation mechanisms (advocacy, exchange platforms, etc.);

8.10. guarantee the right of children to be heard by promoting the lowering and alignment of the legal voting age;



8.11. strengthen children's right to information and education in environmental matters in order to enable them to understand the challenges of the ecological crisis and climate change and to equip them with tools, knowledge and skills enabling their participation in the ecological transition and making them sensitive to respect for nature, living creatures and the Earth;

8.12. continue this educational effort in ecological problem-solving in all higher education training courses (professional and university, all sectors combined) in order to equip young citizens with the know-how and "green conscience" allowing them to make enlightened and intelligent choices, especially in terms of consumption.

9. The Assembly asks national parliaments to use their existing child participation and consultation mechanisms or to set up new ones, as appropriate, in order to ensure that children can contribute meaningfully towards the elaboration of policies and legislation so as to mainstream climate change action throughout various sectors. It resolves to involve children in its work relating to climate change and environmental challenges, including through the committees concerned, in conformity with its [Resolution 2414 \(2022\)](#). It also welcomes the reflection initiated by the Committee on political affairs and democracy on the participation of young people in the work of the Assembly. Finally, the Assembly encourages national parliaments to support and facilitate children's participation in the European Climate Pact, an initiative of the European Union.





**Resolution 2416 (2022)<sup>1</sup>**

Provisional version

## European Union Pact on Migration and Asylum: a human rights perspective

Parliamentary Assembly

1. On 23 September 2020, the European Commission issued a Communication on a New Pact on Migration and Asylum, introducing a number of proposals aimed at improving asylum and migration management procedures in Europe; in particular, an integrated procedure at external borders (pre-entry screening leading to an asylum procedure and/or a swift return decision), a common EU return system to improve expulsion procedures and a new obligatory solidarity mechanism. While the Pact's proposals are primarily addressed to the European Union and its 27 member States, its conceptualisation of regional migration governance is relevant to the wider membership of the Council of Europe.
2. The recent political crisis in Afghanistan and a State-sponsored increase of migration pressure at the European Union's border with Belarus has shown that an efficient reaction mechanism to migration and asylum challenges in Europe that is fully consistent with human rights obligations is urgently needed.
3. The Parliamentary Assembly welcomes the European Union's commitment to integrating European human rights standards fully into all its policies on migration and asylum and supports its efforts to put forward a "more human and more effective migration and asylum system". It supports the holistic approach to the management of irregular migration proposed in the EU Pact and the introduction of a crisis reaction mechanism strengthening solidarity provisions, which is extremely important in the current situation.
4. The Assembly reiterates the obligation of EU member States to implement existing EU migration- and asylum-related legislation, which remains applicable regardless of reform proposals, and encourages the European Union institutions to reach an agreement on the main legislative proposals of the EU Pact, while ensuring its compliance with the Council of Europe standards as they pertain to the Pact.
5. It also believes that the new asylum and migration management system will contribute to minimising the impact of the Covid pandemic in Europe by reducing the length of procedures and providing States with emergency funding to address Covid-19 in reception facilities and public hospitals. The EU Migration Preparedness and Crisis Blueprint could be an effective tool for information exchange between member States on the responses to the pandemic in Europe.
6. The Assembly strongly supports the proposal to facilitate more labour migration across different skill levels and to protect migrant labourers from exploitation. It encourages the European Union to increase legal pathways, in particular, for the EU's neighbourhood countries.
7. At the same time, the Assembly notes that the proposals included in the Pact are very complex and do not contribute to the clear understanding of the proposed management of the EU external borders, bringing concerns that proposed accelerated asylum procedures will reduce their quality and fairness, and thus lead to higher rejection rates and inability of asylum seekers and refugees to access the safeguards, such as adequate legal assistance and a fair and fast asylum procedure.

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1. *Assembly debate* on 24 January 2022 (2nd sitting) (see [Doc. 15438](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Oleksii Goncharenko). *Text adopted by the Assembly* on 24 January 2022 (2nd sitting).



8. The Assembly considers that before the adoption of the Pact proposals, a comprehensive human rights assessment of compatibility of each measure with the case-law of the European Court of Human Rights needs to be undertaken by the European Commission.

9. The Assembly believes that special procedures for the protection of persons in vulnerable situations must address the needs of these persons and integrate the heightened duties of support that arise from human rights obligations. This includes the mainstreaming of disability, age and gender sensitive considerations, as well as health-related vulnerabilities and those affecting, victims of human trafficking and women victims of gender-based violence. This must happen throughout all migration and asylum processes, primarily through respect for provisions on vulnerability that are set out in EU legislation and associated jurisprudence.

10. The Assembly considers it is important to propose concrete recommendations to the governments of the European Union member States on how to make sure that European migration policy contributes to the development of European solidarity, economic prosperity, respect for human rights and protection of the well-being of all. Therefore, it recommends to:

10.1. amend the Pact's proposed Screening Regulation to ensure that it includes an effective suspensive remedy against incorrect screening categorisation, so as to fully respect the obligations arising out of the right to an effective remedy (Article 13 of the European Convention on Human Rights (STE No. 5)). The Regulation should also guarantee access to information, the rights of people undergoing the screening, including access to a lawyer and the right to challenge the decision, and also the privacy and protection of the data collected;

10.2. ensure that every asylum seeker at the EU border or within its jurisdiction has access to, and receives a fair and effective determination of the merits of their claim to international protection, in recognition of *non-refoulement* obligations. The legal fiction of "non-entry" should be removed to ensure that access to a fair procedure is guaranteed to all;

10.3. clarify the provisions relating to restrictions and deprivation of liberty, in particular during the screening procedure, to protect migrants and asylum seekers from unlawful detention and ensure conformity with the obligations flowing from the right to liberty (Article 5 of the European Convention on Human Rights), in line with the relevant case-law of the European Court of Human Rights. Explicit references should be included in the Pact's proposals to the use of detention only as a measure of last resort with clear references to the obligation to work towards alternatives to immigration detention and apply them. Asylum seekers and refugees should not be detained solely on immigration grounds;

10.4. ensure that all children under the age of eighteen are exempted from the proposed border procedures under the Pact, irrespective of age, in line with the principle of the best interests of the child and the obligations towards children, as outlined in the Convention on the Rights of the Child; similarly, all children (under the age of 18) should be exempt from detention;

10.5. agree on a mandatory relocation system as a measure of solidarity prioritising the cases of family reunion and unaccompanied migrant children;

10.6. reconsider the proposal to allow States to opt for "return sponsorship" instead of relocating people to their own territories as it raises serious human rights and legal concerns;

10.7. clarify in the Pact's proposal what concrete support must be made available to persons identified as being in a vulnerable situation, including comprehensive support that meets basic health and welfare needs addressing specific vulnerabilities. Reference to existing obligations on provision of special procedural and special reception guarantees for vulnerable persons is required;

10.8. make sure that a cross-cutting assessment of the impact of the proposals on women and girls, as well as boys, in a vulnerable situation is undertaken by the European Union, identifying the different impact of the proposals. Proposals to address inequalities found should be made;

10.9. conduct a cross-cutting review of the proposals to determine the compliance of provisions with obligations towards persons with disabilities, in line with obligations under the UN Convention on the Rights of Persons with Disabilities; in particular, the duty on States to provide reasonable accommodation to persons with disabilities should be explicitly included as an obligation;

10.10. introduce in national legislation special legal provisions prohibiting the criminalisation of non-governmental organisations or individuals carrying out search and rescue operations at sea or providing humanitarian or other forms of assistance to migrants, asylum seekers and refugees;

10.11. increase the capacity of search and rescue operations in the Mediterranean Sea and establish predictable disembarkation arrangements in ports of safety for rescued persons;

10.12. ensure that relevant non-governmental organisations working in the field of migration can provide information and legal assistance and take part in monitoring fundamental rights at borders. This entails the possibility for such organisations to be granted access to border areas and places of deprivation of liberty in order to provide humanitarian assistance and legal advice and assistance;

10.13. ensure that both the European Border and Coast Guard Agency (Frontex) and the new EU Agency for Asylum carry out their respective duties in full compliance with fundamental rights.

11. The Assembly also considers that the European Commission should continue to hold EU member States to account in their treatment of migrants, asylum seekers and refugees by fully exercising its powers under EU law to institute infringement procedures and other measures short of infringement such as monitoring, recommendations, provision and withdrawal of funding, whenever member States fail to fulfil their human rights obligations, including in relation to the prohibition of refoulement and violence against migrants, asylum seekers and refugees at the European Union's external borders.

12. The Assembly welcomes the proposal to establish independent monitoring mechanisms at the national level to investigate allegations of fundamental rights violations at borders. Taking into account the Council of Europe's competence in this field, the Assembly calls on Council of Europe member States to make sure that these national monitoring bodies are independent from national authorities, work on clearly defined mandates, are accessible to migrants, asylum seekers and refugees and take into account and act upon relevant information provided by international organisations, non-governmental organisations, EU agencies and institutions. Furthermore, these monitoring mechanisms should have sufficient resources to exercise their functions and have a well-trained staff, prepare periodic and public reports with findings and conclusions, including steps to hold those responsible for violations of fundamental rights to account. It is highly important to enlarge the scope of the monitoring by these bodies to ensure that they can consider cross-border events and border control activities.

13. The Assembly encourages the European Commission to consider further supporting the development of co-operation programmes with the Council of Europe to ensure consistent knowledge-sharing among national monitoring bodies, in order to strengthen their contribution to the effective implementation of the European Convention on Human Rights and other relevant instruments.





**Resolution 2417 (2022)<sup>1</sup>**

Provisional version

## Combating rising hate against LGBTI people in Europe

Parliamentary Assembly

1. Over the past few decades, significant progress has been achieved towards making equal rights a reality for LGBTI people throughout Europe. While the picture is chequered and varies widely from State to State, overall, hate crime and anti-discrimination laws have been strengthened, legal gender recognition procedures have been simplified, the bodily integrity of intersex people has started to be better protected, and the rights of rainbow families have increasingly been recognised. This substantial progress is welcome, albeit insufficient.
2. Recent years, however, have also seen a marked increase in hate speech, violence, and hate crime against LGBTI people, communities, and organisations across many member States of the Council of Europe. The Parliamentary Assembly notes with deep concern that a significant proportion of hate speech, vilification and scapegoating of LGBTI people, as well as broad attacks on the exercise of their civil rights, have come from political figures and leaders, including government representatives, as well as from religious leaders.
3. The Assembly deplores these phenomena, which can be observed throughout Europe, regardless of the extent of protection already afforded to the human rights of LGBTI people in any given country. It moreover condemns with particular force the extensive and often virulent attacks on the rights of LGBTI people that have been occurring for several years in, amongst other countries, Hungary, Poland, the Russian Federation, Turkey and the United Kingdom.
4. The rising hatred we are witnessing today is not simply an expression of individual prejudice, but the result of sustained and often well-organised attacks on the human rights of LGBTI people throughout the European continent. Individual expressions of homophobia, biphobia, transphobia and intersexphobia occur in a broader context in which highly conservative movements seek to stifle the identities and realities of all those who challenge the cis- and heteronormative social constructs which perpetuate gender inequalities and gender-based violence in our societies, and which affect women as well as LGBTI people.
5. The Assembly condemns the highly prejudicial anti-gender, gender-critical and anti-trans narratives which reduce the fight for the equality of LGBTI people to what these movements deliberately mischaracterise as “gender ideology” or “LGBTI ideology”. Such narratives deny the very existence of LGBTI people, dehumanise them, and often falsely portray their rights as being in conflict with women’s and children’s rights, or societal and family values in general. All of these are deeply damaging to LGBTI people, while also harming women’s and children’s rights and social cohesion.
6. The Assembly deplores the fact that such discourse is leading to stagnation and even backsliding in progress towards LGBTI equality, sexual and reproductive rights and women’s and children’s rights – and in so doing, it poses a direct challenge to democracy and the rule of law. In many countries, legislative processes aimed at improving the protection of the rights of LGBTI people have stalled, and in some, progress previously achieved has been undone.

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1. *Assembly debate* on 25 January 2022 (3rd sitting) (see [Doc. 15425](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Fourat Ben Chikha). *Text adopted by the Assembly* on 25 January 2022 (3rd sitting). See also [Recommendation 2220 \(2022\)](#).



7. The significant advances achieved in recent years are today under threat. It is crucial to react quickly in order to prevent further backsliding and work actively to promote full respect for the rights of LGBTI people.
8. In view of all the above, and referring in particular to the relevant provisions of the European Convention on Human Rights (ETS No. 5) and case law of the European Court of Human Rights, as well as the Assembly's [Resolution 2239 \(2018\)](#) "Private and family life: achieving equality regardless of sexual orientation", [Resolution 2191 \(2017\)](#) and [Recommendation 2116 \(2017\)](#) "Promoting the human rights of and eliminating discrimination against intersex people", [Resolution 2048 \(2015\)](#) "Discrimination against transgender people in Europe", [Resolution 1948 \(2013\)](#) and [Recommendation 2021 \(2013\)](#) "Tackling discrimination on the grounds of sexual orientation and gender identity", and [Resolution 1728 \(2010\)](#) and [Recommendation 1915 \(2010\)](#) "Discrimination on the basis of sexual orientation and gender identity", the Assembly urges governments and parliaments in Council of Europe member States to tackle hatred and discrimination against LGBTI people with renewed energy and urgency.
9. It welcomes in this context the ongoing work of the European Commission against Racism and Intolerance (ECRI) towards drawing up a general policy recommendation to combat discrimination and intolerance against LGBTI persons, as part of its 2019 Roadmap to Effective Equality, and the adoption by the European Commission in 2020 of its LGBTIQ Equality Strategy 2020-2025.
10. The Assembly also welcomes Opinion No. 1059/2021 of the European Commission for Democracy through Law (Venice Commission) on recent modifications to Hungarian legislation that may have a particular impact on LGBTI people, adopted and published on 13 December 2021 following the request made by the Committee on Equality and Non-Discrimination.
11. It draws attention in particular to the previous opinion of the Venice Commission of July 2021 on Hungarian constitutional amendments, where the commission already warned against the danger of "further strengthen[ing] an attitude according to which non-heterosexual lifestyles are seen as inferior and fuel a hostile and stigmatising atmosphere against LGBTQI people", and to the statement in the new opinion according to which "the amendments stigmatise LGBTI persons and discriminate against them on the basis of sexual orientation, gender identity and gender expression".
12. The Assembly calls on member States to refrain from enacting legislation or adopting constitutional amendments that are contrary to the rights of LGBTI people, and to repeal any such provisions already in force. It urges in particular:
  - 12.1. the Hungarian authorities to repeal with immediate effect all the measures adopted in May 2020, December 2020 and June 2021 that prevent individuals who need it from obtaining the legal recognition of their gender identity, preclude children from obtaining recognition of their gender identity when it is different from the sex assigned to them at birth, bar adoption by anyone other than married, heterosexual couples, block access to comprehensive sexuality education, and ban the portrayal of trans identities and homosexuality. As stated in Opinion No. 1059/2021 of the Venice Commission, these amendments contribute to creating a threatening environment where LGBTQI children can be subject to health-related risks, bullying and harassment;
  - 12.2. the Polish authorities to support stronger anti-hate and anti-discrimination legislation in Poland, to ensure that it is effectively applied, and to work to overturn all declarations and charters contrary to the rights of LGBTI people adopted at local, county and regional level;
  - 12.3. all member States having in place so called "anti-LGBTI-propaganda" laws, that is, any legislation that prevents persons and especially minors from having access to complete and objective information about the different forms of sexual orientation, gender identity, gender expression or sex characteristics that exist in society, to repeal this legislation with immediate effect;
  - 12.4. all member States concerned by a process of execution of a judgment of the European Court of Human Rights in which one or more violations was found concerning the rights of LGBTI people or organisations, to ensure the rapid and full implementation of the judgment.
13. The Assembly calls on member States to speak out strongly against incidents of homophobia, transphobia, biphobia and intersexphobia in discourse, practice and policy wherever they occur, and to use the numerous Assembly and other Council of Europe and international standards and instruments at their disposal to hold others to account.
14. The Assembly emphasises that it is precisely when hostility is high or rising that effective criminal provisions and anti-discrimination legislation are most crucial. It calls on member States to strengthen their legislative framework wherever necessary to ensure that it protects the rights of LGBTI people to be free from



hatred and discrimination, and to apply it effectively in practice. In line with the above-mentioned standards, and without prejudice to the more specific or far-reaching obligations they may already entail, it calls on member States in particular to:

14.1. amend criminal legislation as necessary to ensure that its provisions with respect to hate crimes clearly cover all offences committed against a person or group of persons based on their sex, sexual orientation, gender identity, gender expression and sex characteristics, include proportionate and dissuasive sanctions, protect victims' rights and make provision for them to receive compensation;

14.2. make motivations based on sex, sexual orientation, gender identity, gender expression and sex characteristics an aggravating circumstance for all ordinary offences;

14.3. ensure victims of crime are supported and protected against re-traumatisation on the grounds of their sex, sexual orientation, gender identity, gender expression or sex characteristics by law enforcement and support structures, including shelters;

14.4. amend anti-discrimination legislation as necessary to ensure that it covers all forms of discrimination, in all areas of life, based on sexual orientation, gender identity, gender expression and sex characteristics;

14.5. fully train police, judges and prosecutors on these provisions, in order to ensure their effective application in practice and avoid impunity;

14.6. initiate, if this has not already been done, and bring to fruition in all cases, the legislative and policy-making processes necessary to complete other elements of the legal framework that are crucial to LGBTI equality, notably as regards legal gender recognition, the bodily integrity of intersex people, the protection of rainbow families, access to trans-specific healthcare and the exercise of civil rights such as the freedoms of expression, association and assembly.

15. Having regard to the egregious human rights violations committed against LGBTI people in the Chechen Republic (Russian Federation), which the Assembly condemned in its [Resolution 2230 \(2018\)](#) and [Recommendation 2138 \(2018\)](#) "Persecution of LGBTI people in the Chechen Republic (Russian Federation)" but which continue to occur and to have a devastating impact today, the Assembly urges:

15.1. the authorities of the Russian Federation to implement fully and immediately Assembly [Resolution 2230 \(2018\)](#), and redouble its efforts to prosecute and punish the perpetrators and provide reparation, including compensation, to victims, in order to put an end to the persecution of LGBTI people in the Chechen Republic and ensure that there is no impunity for the perpetrators of such human rights violations;

15.2. all other Council of Europe member States to renew their pressure on the Russian Federation to ensure that justice is done, intensify their own efforts to provide refuge to those still seeking to flee to safety, and ensure that their asylum legislation provides effective protection to all LGBTI people forced to flee their country due to persecution based on their sexual orientation, gender identity, gender expression or sex characteristics.

16. The Assembly further calls on all member States to:

16.1. put in place a clear human rights policy to protect and promote LGBTI equality, including a strategy and action plan with clear and measurable targets and timelines for implementing any changes to legislation, policy or practice necessary to achieve equality, and effective accountability mechanisms;

16.2. mainstream the rights of LGBTI people in all key legislative, policy and other measures;

16.3. work proactively to bring their domestic legislation and practice into line with the developing case-law of the European Court of Human Rights;

16.4. ensure that children are provided with objective, non-stigmatising information on sexual orientation, gender identity and sex characteristics;

16.5. refuse to provide funding to local, regional or national authorities or other State or non-State actors that deny the human rights of LGBTI people, and to withdraw such funding if it has already been granted;

16.6. participate constructively in the periodical review process carried out by the Committee of Ministers regarding the implementation of Recommendation [CM/Rec\(2010\)5](#) to member States on measures to combat discrimination on grounds of sexual orientation or gender identity;

16.7. contribute to and advance other Council of Europe work concerning the rights of LGBTI people, notably through actively supporting:

16.7.1. the relevant monitoring and standard-setting work of the ECRI;

16.7.2. the intergovernmental work carried out in this field by the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI);

16.7.3. the provision to States that request it of technical assistance aimed at advancing LGBTI equality and rights;

16.8. ensure the meaningful involvement of and consultation with civil society organisations and human rights defenders seeking to protect and promote the rights of LGBTI people in the development, implementation and review of all policies and measures that concern them, and more generally, enable and support the work of civil society in this field.

17. The Assembly strongly encourages parliamentarians to improve their understanding of the human rights challenges faced by LGBTI people in their country and abroad, by engaging bilaterally with and inviting to their parliaments local, national and umbrella civil society organisations and LGBTI human rights defenders with direct knowledge of the realities and issues at stake.

18. Finally, the Assembly emphasises that hatred against LGBTI people cannot be effectively combated if it is treated purely as an individual phenomenon. Paradigm shifts in social and cultural understandings of gender equality, harmful masculinities and the rights and freedoms of LGBTI people are still needed in many societies in order to achieve genuine equality for LGBTI people. The Assembly therefore urges member States to carry out extensive public awareness-raising campaigns so as to counter misleading or false narratives, increase understanding of the situation and rights of LGBTI people, and actively promote their equality.

19. In the light of all the above, the Assembly considers that a network of its interested members should also be formally established, in order to facilitate co-operation between national parliaments aimed at promoting full and effective equality for LGBTI people throughout the continent.



**Resolution 2418 (2022)<sup>1</sup>**

Provisional version

## **Alleged violations of the rights of LGBTI people in the Southern Caucasus**

Parliamentary Assembly

1. The fight against discrimination is one of the cornerstones of democratic systems and one of the core values upheld by the Council of Europe. Discrimination based on sexual orientation, gender identity, gender expression and sexual characteristics must be prevented and combated in the same way as that based on any other ground. This applies to all the Council of Europe member States.
2. Currently, the situation of LGBTI people and respect for their human rights in the Council of Europe member States is uneven. Protection of the rights granted by legislation and the effectiveness of anti-discrimination policies vary greatly from one country to another. This inequality must be eliminated. It is the responsibility of all member States to ensure that human rights and fundamental freedoms are respected.
3. The Assembly considers that a country's cultural and religious traditions cannot be used to justify discrimination based on sexual orientation, gender identity, gender expression, and sexual characteristics. Each signatory State to the European Convention on Human Rights (ETS No. 5) has an obligation to guarantee the enjoyment of fundamental rights, finding how best to prevent conflicts between them. Nor is it inevitable that there will be incompatibilities between the right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, and freedom of assembly and association. Therefore, public events to combat discrimination against LGBTI people and promote their rights, such as Gay Pride marches, do not constitute an infringement of, or restriction on, the rights of persons who disagree with them.
4. The Parliamentary Assembly is concerned about the situation of LGBTI people in Armenia, Azerbaijan and Georgia, noting that many infringements of these people's human rights have been alleged or confirmed. These countries should adopt effective legislation and policies to strengthen action against discrimination based on sexual orientation, gender identity, gender expression, and sexual characteristics.
5. The Assembly nonetheless welcomes the progress made by Georgia in combating discrimination through the adoption of legislation which adds sexual orientation and gender identity to the prohibited grounds for discrimination and through the introduction of LGBTI-phobia into criminal legislation as aggravating circumstances. It emphasises the importance of fully implementing this legislation, which is a positive example for all the region's countries to follow.
6. The Assembly also considers the democratic transition process in Armenia to be an opportunity that should not be missed to strengthen the human rights protection system and combat discrimination, including discrimination based on sexual orientation, gender identity and expression and sexual characteristics
7. The Council of Europe supports the reform processes undertaken by the South Caucasus countries in the fields of democracy, human rights and the rule of law through action plans negotiated with the national authorities and taking into account the findings of monitoring and standard-setting bodies, including the European Commission against Racism and Intolerance (ECRI); in addition, activities specifically concerning the rights of LGBTI persons are organised by the SOGI (Sexual Orientation and Gender Identity) Unit.

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1. *Assembly debate* on 25 January 2022 (3rd sitting) (see [Doc. 15429](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Christophe Lacroix). *Text adopted by the Assembly* on 25 January 2022 (3rd sitting).



8. The Assembly also recalls its [Resolution 2239 \(2018\)](#) “Private and family life: achieving equality regardless of sexual orientation”, [Resolution 2191 \(2017\)](#) and [Recommendation 2116 \(2017\)](#) “Promoting the human rights of and eliminating discrimination against intersex people”, [Resolution 2048 \(2015\)](#) “Discrimination against transgender people in Europe”, [Resolution 1948 \(2013\)](#) and [Recommendation 2021 \(2013\)](#) “Tackling discrimination on the grounds of sexual orientation and gender identity”, and [Resolution 1728 \(2010\)](#) and [Recommendation 1915 \(2010\)](#) “Discrimination on the basis of sexual orientation and gender identity”.
9. In the light of the foregoing, the Assembly invites the authorities of Armenia, Azerbaijan and Georgia to:
- 9.1. guarantee the right to hold public events to support the rights of LGBTI people such as Gay Pride marches, ensure that they can take place safely and protect the participants from any violence;
  - 9.2. promote the adoption of codes of conduct for the media and members of parliament, prohibiting stigmatising and discriminatory comments and hate speech targeting LGBTI people, and the use of counter-narratives to combat LGBTI-phobic hate speech;
  - 9.3. ensure the freedom and independence of the media and the safety of their personnel;
  - 9.4. conduct effective investigations and prosecute cases of violence against LGBTI people;
  - 9.5. adopt and implement action plans concerning discrimination based on sexual orientation, gender identity, gender expression and sexual characteristics with the aim of raising public awareness about the rights of LGBTI people and their living conditions and preventing and combating social exclusion, stigmatisation and all forms of discrimination against LGBTI people;
  - 9.6. improve access to sexual and reproductive health care and information and awareness-raising about sexually transmitted diseases;
  - 9.7. introduce rapid, transparent and accessible procedures, based on self-determination, which allow transgender persons to change their name and sex on birth certificates, identity cards, passports, diplomas and similar documents; and ensure that such procedures are clear and that the institutions responsible for this are properly designated;
  - 9.8. guarantee that comprehensive sexuality education is taught in schools and to ensure that this deals with the theme of gender identity and sexual orientation, taking an inclusive approach;
  - 9.9. run public information and awareness-raising activities on the subject of LGBTI people, designed to tackle prejudice and stigmatisation;
  - 9.10. promote human rights education for officials of all the public bodies concerned and for the judiciary and the law enforcement agencies with a view to fostering understanding of issues of gender, inclusion, non-discrimination on the basis of sexual orientation, gender identity, gender expression and sexual characteristics;
  - 9.11. offer members of the judiciary and the law enforcement agencies specific and continuous training on LGBTI-phobic hate speech and hate crime;
  - 9.12. set up a reference framework on the effectiveness of criminal proceedings and court judgments given in this area;
  - 9.13. promote the role and the powers of Ombudsmen, guarantee their independence, improve the financing of these institutions so that they can perform all their tasks in complete independence and ensure that these tasks include combating discrimination against LGBTI people;
  - 9.14. continue and step up their co-operation with the relevant Council of Europe bodies including the ECRI and the SOGI Unit; support the implementation of action plans launched in co-operation with the Council of Europe;
  - 9.15. strengthen co-operation with civil society organisations working to protect human rights including those of LGBTI people; to guarantee their independence and protect their safety and that of people working with them; to consult these organisations when devising, implementing and assessing the impact of anti-discrimination activities;
  - 9.16. consider setting up specific activities for the social and vocational integration of LGBTI people, particularly transgender and intersex people;

9.17. implement, through the adoption of relevant legislation and policies, Recommendation CM/Rec(2010)5 to member States on measures to combat discrimination on grounds of sexual orientation or gender identity and actively participate in the periodic review process conducted by the Committee of Ministers concerning its implementation.

10. In particular, the Assembly invites the authorities of Armenia and Azerbaijan to:
  - 10.1. adopt anti-discrimination legislation adding sexual orientation, gender identity, gender expression and sexual characteristics to the prohibited grounds for discrimination;
  - 10.2. adopt civil, administrative and/or criminal legal standards to protect people from hate speech and hate crimes;
  - 10.3. add LGBTI-phobia to criminal legislation as aggravating circumstance.
11. The Assembly invites the authorities of Armenia to stop considering homosexuality as a mental illness for legal, administrative, health and other purposes.
12. The Assembly invites the authorities of Azerbaijan to investigate cases of wrongful arrest of LGBTI people and prevent and combat police violence against these people.
13. The Assembly invites the authorities of Georgia to:
  - 13.1. include in anti-discrimination legislation the grounds of gender expression and sexual characteristics;
  - 13.2. ensure that equality and non-discrimination legislation and policies are fully implemented, to monitor the situation regularly and to allocate appropriate financial and human resources to the relevant bodies and authorities;
  - 13.3. set up, as part of the activities to prevent and combat LGBTI-phobic hate speech in the public and political sphere, a body to establish dialogue with the Orthodox Church in order to calm the attitude of its representatives towards public events such as Gay Pride marches and to alert them to the need to avoid stigmatising comments about LGBTI people.





## Resolution 2419 (2022)<sup>1</sup>

Provisional version

# The role of the media in times of crisis

Parliamentary Assembly

1. While freedom, pluralism and independence of the media are vital preconditions for our democratic societies, the importance of a healthy media ecosystem is even more obvious in times of crises. Free and independent media must provide citizens with accurate, comprehensive and high-quality information, this being both a right and a duty. It is vital for citizens to have access, through the media, to relevant, reliable, clear and factual information on the crises, as this can have a decisive impact on society's ability to cope effectively with tense situations such as health crises, environmental disasters, acts of terrorism, social violence or armed conflicts.

2. The media could play a crucial role in facilitating dialogue and multicultural understanding, and in preventing or minimising oppression and conflict. However, when a crisis threatens dominant understandings of individual freedoms, such as the recent Covid-19 pandemic, debates tend to polarise and fragment the community itself, which is reflected in online and broadcast content. These polarising crises are likely to happen in the future, and their impact on public debates demands a comprehensive media approach for informing and engaging the public effectively.

3. Free and independent media must be the driving force of critical analysis of the causes of a crisis. Their professionalism is one of the preconditions for constructive public debate on how to deal with it, which must involve politicians and the various groups in society. The media help to stimulate discussion on the right measures to counter the causes and the adverse effects of a crisis and to overcome it; besides, they facilitate citizen participation in discussions on the long-term changes that are needed to increase society's resilience to crises of the same type or to prevent them more effectively.

4. The media help to reinforce the legitimacy of the decisions taken by political leaders and improve understanding both of their content and of the reasons for them; they also play a key part as links between decision makers and the public. Moreover, the media can take on an educational role: they must be capable of analysing and explaining the new obligations being imposed to tackle a crisis situation and the behaviour which the authorities expect of the public.

5. The risks of misinformation, polarisation and populism on-line increases in times of crises. The threat posed by information disorder is amplified and the need to prevent it and counter it becomes more pressing. The requirement for professionalism and thoroughness in checking information disseminated is all the greater in times of crises and the media must be aware of the heightened responsibility that they must assume to the full, including in terms of effectively countering conspiracy theories and inflammatory discourses.

6. While this is a responsibility for all media outlets, there is a specific role for public service media which has to be recognised, enhanced and safeguarded. Public service media must remain independent and serve the public because they have a specific remit to fulfil as a factor for social cohesion and integration of all individuals and as a broad platform for pluralist public debate. In the particular context of crises, public service media should encourage citizens to develop critical thinking and the capacity to compare various sources of information.

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1. *Assembly debate* on 25 January 2022 (4th sitting) (see [Doc. 15437](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Annicka Engblom). *Text adopted by the Assembly* on 25 January 2022 (4th sitting).



7. As far as social media platforms are concerned, given the risk of false news or unchecked information being disseminated on their networks, the operators should redouble their efforts to counter this trend by developing fact-checking tools and promoting reliable and accurate news sources. Lockdowns and forced restrictions on movement during Covid-19 pandemic have significantly increased the importance of the media in general because the free flow of information also becomes a means of overcoming the isolation faced by individuals whose freedom of movement is restricted, while the restrictions have made social media much more important as a means of maintaining family, interpersonal, work and social contacts.

8. These various functions are interconnected and complement one another. It is important not to divide them up or limit them. It is wrong and dangerous to assume that governments are best placed to control and distil information in times of crises so as to avoid the dissemination of inaccurate information and direct collective behaviour effectively. An approach of that kind is incompatible with democratic principles and the protection of the right to freedom of expression as enshrined in Article 10 of the European Convention on Human Rights (ETS No. 5).

9. Collaboration between public authorities and the media is one of the keyways of dealing with and overcoming a crisis. The authorities should support the media so that the latter can perform their various roles to the full. This willingness to co-operate should be given effect despite the critical stance of some sections of the press towards the action of governments, as collaboration between the authorities and the media should in no way undermine the independence of the latter.

10. There is a need to review existing multidisciplinary knowledge and approaches about media and society, communication and crisis management. Media should be able to actively play their role not only as a channel to communicate to publics and allow public opinion formation, but also a channel for expert knowledge to be transferred to institutions.

11. Measures to enhance the role of the media during crises should involve institutions, services, experts and civil society, in order to make community, institutional and research processes visible and approachable, as well as to strengthen trust. Maintaining a resilient and adaptable media ecosystem is the best way to confront crises in democracies. Efforts need to be focused on long-term policies, which start long before a crisis begins.

12. Consequently, the Parliamentary Assembly calls on Council of Europe member States to recognise and value the role of the media as a crucial actor in the management of a crisis and an essential node in the wider network of communication especially in time of crises, and, in particular, to:

12.1. ensure the conditions for a strong, pluralistic and independent media ecosystem that can support coherent deliberative processes locally and internationally;

12.2. encourage a structured collaboration and networking – before, during and after crises – between the media, experts, public authorities, services and the public;

12.3. support collaboration between public media and institutions with a view to provide permanent spaces for citizens to access and share knowledge about the processes of science in transparent ways, and to appreciate the constant evolution of scientific knowledge;

12.4. support critical research and investigative journalism able to explain complex processes that are still in the making and aim at unveiling unfair and misguided actions of powerful authorities and businesses, such as corruption and abuse of power;

12.5. support media coverage of the scientific debate, in order to raise awareness and expand the knowledge of the public on both the technical and the social nature of the changes and responsibilities involved in the management and solution of the emergency.

13. Considering real danger of misinformation, polarisation, populism on-line in times of crises, the Assembly also calls on member States to:

13.1. bring their legislation and practice into line with [Recommendation CM/Rec\(2007\)3](#) of the Committee of Ministers to member States on the remit of public service media in the information society, as well as the Assembly [Resolution 2255 \(2019\)](#) “Public service media in the context of disinformation and propaganda”, and [Recommendation 1878 \(2009\)](#) “Funding of public service broadcasting”;

13.2. put in place policies that may disperse the concentration of opinion power by social media and create countervailing power, as well as regulations of and about social media, to prevent that powerful digital businesses become centres of political power;



- 13.3. put in place policies that may encourage social media to develop further their fact-checking capacities to ensure that business interests do not overshadow the need to respect ethical principles of any publication online;
- 13.4. support the development of a strong mixed-media approach across sectors, in order to deactivate polarisation and misinformation driven by digital conglomerates and exclusivist narratives;
- 13.5. ensure that administrative services and institutions can use social media to provide, monitor and collect information during crises, whereas citizens can use them to ask for information or to provide their own. This should be done in compliance with relevant privacy legislation, in particular the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108);
- 13.6. support the media which have developed verification procedures that allow them to play a new role of verifying the accuracy of user-generated information while guaranteeing the right to the freedom of expression;
- 13.7. support community media projects and seek to involve citizens more deeply in public debates by taking specific measures, such as creating and maintaining multidisciplinary social media spaces and involving students in educational activities for and communication with the community before and during a crisis;
- 13.8. support focused training for science journalism that covers the social sciences, as well as the hard sciences, to enhance journalists' ability to report on scientific work and help the public to understand the scientific dimension of crises management;
- 13.9. support trainings offered by national and international journalism organisations, universities and research centres focused on the sociological study of journalism and on constructive journalism approaches in training;
- 13.10. support journalistic coverage of both local and global contextualisation and narratives, and discouraging nationalistic frames in the media;
- 13.11. support documentary production and podcasting of knowledge that can make science, services and institutional work more visible through media cultural outputs.





**Resolution 2420 (2022)<sup>1</sup>**

Provisional version

## Football governance: business and values

Parliamentary Assembly

1. The Parliamentary Assembly underlines the important role played by sport in general and football in particular in conveying values that are essential for social cohesion and living together, and in promoting well-being and social advancement. Football has changed in many ways and it is only natural that it should continue to do so. It has become a major industry involving huge sums invested in infrastructure, broadcasting rights, sponsorship, merchandising, equipment sales, gaming and sports betting, etc. Football's economic success, particularly that of European football, is to be welcomed. Business must not, however, take precedence over values: football and sport should not be reduced to money-spinning entertainment, and sports governance should continue to be rooted in promoting human rights. Upholding such standards must always be the force driving the major umbrella organisations' actions, starting with the sporting events they stage.

2. Countries wishing to host major sports events must be prepared to assume stringent obligations in various fields and meet them effectively. For example, their development projects related to sports events (construction or renewal of sporting, accommodation, communication and transport infrastructure, etc.) and the planning of the corresponding investments must comply with the criteria of economic, social and environmental sustainability. They must also ensure the safety of all sports equipment and the security of the national and foreign audience attending the events, and of people leaving or moving within the areas where they take place. Likewise, all bidders for major international sport events, such as FIFA (International Federation of Association Football) and UEFA (Union of European Football Associations) competitions, must commit in concrete terms to ensuring compliance with key human rights standards.

3. The Assembly notes that collaboration between host countries, the relevant international sports federations and human rights organisations can yield valuable results. This was undoubtedly the case in Qatar. The Assembly commends the efforts of FIFA which played a role in getting the labour law reform process under way in Qatar and the work of the International Labour Organisation (ILO), the international trade union movement and non-governmental organisations operating in Qatar. The Assembly also commends the Qatari authorities for making real advances in this field. The Assembly cannot, however, express its full satisfaction, as the situation of workers in Qatar remains worrying and the number of tragic accidents continues to run into the hundreds. The reforms need consolidating to ensure that all economic operators in the country comply with the new rules, and efforts to solve the issue of unpaid wages and to improve working conditions for all workers must continue.

4. The Assembly cannot ignore the harsh working conditions experienced by workers in Qatar since the country was chosen to host the 2022 FIFA World Cup, and the thousands of work-related injuries, including fatal ones, during this period (although not all of these were related to World Cup construction sites). Compliance with ILO's core labour standards should be a prerequisite for being a credible candidate and not a target to reach after being chosen to host the FIFA World Cup or any another major sporting event.

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1. *Assembly debate* on 26 January 2022 (5th sitting) (see [Doc. 15430](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Lord George Foulkes). *Text adopted by the Assembly* on 26 January 2022 (5th sitting). See also [Recommendation 2221 \(2022\)](#).



5. Workers' rights are not the only ones that need to be taken into account. The Assembly welcomes the steps taken by FIFA and UEFA in response to its request to include human rights compliance in the commitments that countries bidding to host major football competitions must enter into, but current regulations must also be supplemented and tightened.
6. Requiring that the hosting and staging of the competition and any legacy and post-event related activities do not involve adverse impacts on internationally recognised human rights is not enough. Firstly, bidding countries must provide a minimum level of guarantees of respect for human rights, or at least some specific rights, for their bids to be considered. For example, the Assembly considers that any country where women do not have the right to participate freely in sport or where there is clear discrimination in their access to sport should simply be disqualified. Secondly, staging competitions must contribute to real and lasting progress in the field of human rights.
7. The Assembly is fully aware that this is a sensitive issue and that sport must remain politically neutral but believes that strict rules on human rights compliance are coherent with such neutrality and even strengthen it. The Assembly stands ready to continue working with its partners to find realistic and balanced solutions together.
8. The Assembly considers that both protecting under-age players and promoting gender equality, as well as fighting discrimination on any grounds, should be priorities for all levels of the wider sports movement and of football organisations in particular. A greater proportion of available resources should be allocated to measures to achieve these goals.
9. With regard more specifically to protecting minors, the Assembly welcomes the regulatory developments and concrete initiatives developed by FIFA and UEFA. In particular, it welcomes the rollout of the FIFA Guardians™ programme and the toolkit produced with the help of experts from the Council of Europe and UNICEF, among others, and the *safeguarding.eu* digital platform launched by UEFA in collaboration with the Terre des hommes Foundation. These are all initiatives that can make a real contribution to creating a safer environment for children and teenagers who play football.
10. Sexual abuse is unfortunately a reality in sport; so is impunity within the highest ranks of several sports associations and clubs. The Council of Europe has mobilised efforts to tackle the problem. The "Start to Talk" initiative calls on member States to take three types of action and a set of tools to develop them. The Enlarged Partial Agreement on Sport (EPAS) is launching pilot projects to establish networks of child welfare officers in sport under its Child Safeguarding in Sport scheme. This module will likely be added to the "Start to Talk" scheme. To date, about 20 Council of Europe countries are using the Organisation's tools. The Assembly hopes that the remaining member States will take steps to get involved in this initiative.
11. Both the sports movement and the public authorities must make much greater investments in this area. The Assembly therefore welcomes the idea (discussed in the context of the EU social dialogue committee by UEFA, ECA (European Club Association), the European Leagues and FIFPRO (Fédération Internationale des Associations de Footballeurs Professionnels – World Players' Union) of setting up a European research project to map existing standards for the protection of minors in elite academies and for identifying potential gaps with regard to the rights of the child.
12. The Assembly is also following with great interest a project (which FIFA is considering with other partners) to set up a Safe Sport centre or agency: a multi-sport, inter-institutional and inter-governmental body to deal with cases of abuse in sport, providing a pool of services and expertise that could assist all stakeholders to eradicate abuse in sport, putting the needs of victims first. The Assembly fully supports this project and hopes that all governments will make a commitment to ensuring it can be implemented quickly.
13. The Assembly is convinced that sport plays a pivotal role in promoting gender equality since its symbolic value and the messages that it conveys are so powerful. This is particularly the case for football with its hundreds of millions of (male and female) fans in all four corners of the earth. Accordingly, the Assembly, while welcoming the progress that has already been made in this field, considers that stakeholder action in this area should be further enhanced, including in terms of greater financial solidarity between men's and women's football, and given a higher profile.
14. In the current context marked by the damage wrought by the Covid-19 pandemic, including in the world of sport in general, the Assembly believes that it is time to give thorough consideration to measures that can help redress the most glaring imbalances in the football ecosystem. Financial disparities between clubs and leagues are to some extent inevitable; they also depend on each country's specific socio-economic situation and the diverging scale of their media markets. The Assembly is, however, concerned about football's polarisation and increasing disparities, as well as some blatant financial excesses, and it calls for more

solidarity within the football system. It believes that the principle of open competitions must be preserved, considers that UEFA should remain the entity responsible for the organisation of the European club competitions and firmly opposes the European Super League project.

15. The Assembly attaches great importance to the reform of the transfer system – including new regulations on agents – undertaken by FIFA in co-operation with other stakeholders, and is convinced that the main objectives underlying this reform are justified: ensuring transparency of financial flows; reducing contractual instability and speculation while also setting reasonable limits on the sometimes exorbitant agents' fees; strengthening redistribution in favour of training clubs; and providing better protection for minors to prevent exploitation.

16. The Assembly is aware that the competence of FIFA to regulate the profession of agent or intermediary in the world of football is controversial. Nevertheless, the interests at stake call for uniform regulations at the global level to avoid distortions on the international transfer market; for the Assembly, FIFA is entitled to adopt such regulations, provided that the constraints and limitations established therein are reasonable and do not go beyond what is necessary to protect the legitimate interests in question.

17. The Assembly questions the advisability of the plan currently under consideration by FIFA to hold the World Cup every two years. It considers that such a change would have disastrous consequences for European football, which is why both UEFA and the European Leagues are strongly opposed to the project. It could also harm the entire sports ecosystem by making the two main global sporting events – the World Cup and the Olympic Games – compete for media coverage and therefore also financial support.

18. The Assembly is closely monitoring the rollout of UEFA's new format for club competition and would like to see it improve the revenue redistribution system. The Assembly is also interested in the ongoing discussion on reforming financial fair play rules which should continue to promote sound management of club finances and help improve competitive balance.

19. Despite the heavy financial losses incurred during the health crisis, the football industry is poised to bounce back more quickly than other sectors and, in the Assembly's view, the sport has a valuable role to play, particularly at grassroots level. It is crucial that clubs, according to their means, and fans join forces to revive local socio-economic systems and build their resilience through social responsibility programmes, which need reinforcing. Despite the fallout of the crisis, this could be an opportunity for football to forge even stronger ties with communities and let players, fans and their associations play a more important role, including by increasing their involvement in decision-making processes as part of more inclusive football governance at all levels.

20. The Assembly therefore calls on FIFA and UEFA to review the conditions that countries bidding to host major football events must meet in terms of safeguarding human rights and to provide for, if they do not already:

20.1. a thorough, contextual human rights compliance assessment as one of the key criteria for accepting any country's bid; this assessment should be based on up-to-date reports from the relevant international institutions and/or independent non-governmental organisations recognised for their competence in the field; in the case of Council of Europe member States, reports and analyses by the Organisation's monitoring bodies on compliance with key human rights standards should be taken into account;

20.2. the requirement to comply with predetermined minimum standards on, for example, workers' (including migrants') rights, gender equality (including in sport, but also elsewhere), protecting athletes of minor age from sexual abuse and all forms of violence, combating discrimination in sport and safeguarding fundamental civil and political rights, in particular freedom of expression – including media freedom – and freedom of peaceful assembly, both as regards staging the competitions in question and otherwise;

20.3. identifying, as part of the thorough assessment, the measures required to meet the minimum standards set out above, with a timetable for implementation which countries should adhere to for their bids to be considered, and a human rights action plan which countries must pledge to follow if they win the bidding process; as regards workers' rights, the ILO's role should be systematically highlighted and host countries should commit to co-operating with the ILO to draw up and carry out the necessary reforms;

- 20.4. the binding nature of these commitments not only by national associations but also – and especially – by host countries' governments, given their role in ensuring respect for human rights by all public bodies and by any private operator under their jurisdiction involved in organising the event in question;
- 20.5. setting up effective mechanisms for monitoring compliance with the commitments made, including specific procedures for regular assessment by independent external stakeholders of the responses to human rights risks involved in staging the event, as well as mechanisms for direct dialogue with the public authorities of the host countries to analyse and solve any problems;
- 20.6. the accessibility of effective remedies in host countries, with independent bodies empowered to investigate, punish and redress any human rights violations;
- 20.7. appropriate penalties imposed on host countries and their national associations in the event of failure to comply with the commitments made or to implement follow-up measures required by monitoring bodies, including the decision to relocate the competition in question to a different country.
21. With regard to the protection and human development of minors, the Assembly:
- 21.1. calls on the International Olympic Committee and all international sports federations, as well as national sporting bodies, to join FIFA in setting up a Safe Sport centre or agency which is financially viable and can operate with the collaboration of sporting bodies and public authorities so as to jointly combat cases of abuse in sport and help the victims of such abuse;
- 21.2. encourages UEFA, ECA, the European Leagues and FIFPRO to continue their European research project on existing standards for the protection of minors in elite football academies and for identifying potential gaps with regards to children's rights in football;
- 21.3. calls on FIFA, UEFA, ECA, the European Leagues and FIFPRO to strengthen the elements of their programmes aimed at young players' education and human development and urges them to work together to foster efforts in this regard by national football associations.
22. With regard to gender equality, the Assembly calls on FIFA and UEFA to:
- 22.1. encourage, including through the adoption of more stringent provisions, their member associations to enshrine rules in their statutes to ensure that the composition of their executive boards and standing or ad hoc committees includes a number of women at least proportional to the number of female members registered, with a quota of at least 25% of seats reserved for women; compliance with this minimum quota – which should be gradually raised to 40% within a reasonable timeline – should be made a prerequisite for receiving development funds;
- 22.2. promote equal pay and rewards for national team players of any gender by the respective national associations;
- 22.3. further strengthen development schemes in women's football and training programmes to promote women's leadership at national level and increase the number of female coaches and referees, in collaboration with national associations;
- 22.4. step up their efforts to counter sexual harassment and gender discrimination by reinforcing liability of their member associations in this respect and by developing, where appropriate, targeted projects in collaboration with associations in countries where these problems are more prevalent.
23. With regard to the reform of the transfer system, the introduction of FIFA's clearing house for international transfers and regulations on football agents, the Assembly:
- 23.1. calls on the Council of Europe member States to recognise FIFA's competence to regulate at global level the football transfer system, including the adoption of rules seeking to ensure protection of minors, the transparency of financial flows linked to players transfers and a sound framework for the access to and exercise of the profession of agent or intermediary, also with a view to avoiding conflicts of interests and exorbitant fees, provided that the constraints and limitations established by these rules are reasonable and do not go beyond what is necessary to protect the legitimate interests at stake;
- 23.2. asks FIFA to take due account of the opinion of the Council of Europe Group of States against Corruption (GRECO) on the reform project and encourages FIFA to continue its collaboration with GRECO;

23.3. stresses the importance of ensuring the transparency of all financial flows related to international transfers and calls on FIFA and other stakeholders to agree that not only commissions but also all agents' services fees related to international transfers should gradually be processed through the clearing house system and that agents and their activity should be subject to compliance assessment procedures; in this context, the system should include enforceable obligations to provide accurate data and the power to investigate and fittingly punish any failure to comply with such obligations, while ensuring robust personal data protection;

23.4. with a view to also ensuring the transparency of financial flows related to national transfers, calls on the relevant stakeholders to agree to set up, alongside the FIFA clearing house system, national clearing houses, which should operate according to the same standards so as to ensure uniform data collection and analysis;

23.5. urges FIFA and all stakeholders to reach a balanced agreement that respects the right of agents to be remunerated in a manner commensurate with the services they provide to clubs and players, but prohibits excesses and caps agent fees by establishing a maximum percentage of the gross transfer price and/or wages that these fees may not exceed and an absolute limit on the total sums that may be paid to the agent of the releasing club for a transaction;

23.6. calls for an increase in the training compensation paid to clubs in the event of transfers and proposes that the overall amount of such compensation should be determined so as to be at least equal to the amount of the agent's fee paid by the club releasing the player.

24. With regard to transfers of minors, the Assembly calls on FIFA to:

24.1. maintain, for international transfers, the general prohibition of Article 19 of the Regulations on the Status and Transfer of Players and to postpone the possible extension of the exception concerning players aged between 16 and 18 years, currently limited to the European Union/European Economic Area, in particular to prevent this from increasing the risk of exploitation;

24.2. ensure that, in all cases, transfers of minors are subject to very strict conditions, compliance with which by the national associations and clubs must be verified before granting transfer authorisations; national associations and clubs should commit to ensure at least:

24.2.1. effective protection of all players of minor age against any form of exploitation and abuse;

24.2.2. the effective provision, by the clubs to the minor-age players they register, of a stable environment not only for professional (football) development, but also for education and/or vocational training, and adequate health and social insurance benefits;

24.2.3. the stability of the contractual relation with the minor-age player at least until the end of the season of the player's 18th birthday;

24.2.4. general working conditions no less favourable than those of the other players of the club and not below the international ILO standards;

24.2.5. the assistance the minor player may need to find his or her place within the hosting local community;

24.3. draw up, in collaboration with the confederations and FIFPRO, as well as with other partners and experts:

24.3.1. model provisions to be included in regulations of the confederations and/or of the national associations on monitoring mechanisms, effective remedies and the system of sanctions to uphold the protection of minor players;

24.3.2. a guide for transfers of minor-age players and their protection, including all relevant information, for example on risks of trafficking by fake agents and their phishing and scam practices on the Internet (as well as ways to detect and avoid them), official procedures for international transfers, standard rights and obligations of minor-age players and clubs, contact points at FIFA and confederation/national levels, etc.; this guide should be published on FIFA and confederations' websites, in the most common languages, and national associations should translate and publish it in their respective languages;

24.4. require, within the new regulatory framework for agents and intermediaries, specific qualifications for anyone wishing to represent minor-age players, in addition to those needed to obtain the professional licence, and to set up a public, centralised, international agent register listing all licensed agents authorised to represent minors, which would be made available via the FIFA website.

25. With regard to FIFA's current deliberations on whether to hold the World Cup every two years, the Assembly calls on FIFA not to take decisions that are potentially detrimental to European football and sport worldwide without the agreement of European stakeholders and the International Olympic Committee.

26. The Assembly invites UEFA to reconsider the criteria retained for allocating the UEFA Champion League prize money and to reduce the 10-year club coefficient (at present 30 % of the revenue) so that more resources could be given to solidarity redistribution, seeking to support youth training and education and the development of women's football.

27. The Assembly invites the European leagues to establish a solidarity fund, which could be fed by a small percentage of TV rights received at national level by the richest leagues; this fund could be designed to finance projects (including joint projects involving different leagues) in line with strategic development goals predefined by the European leagues. In the context of recovery from the Covid-19 pandemic, such a fund could also be intended to support projects elaborated and implemented in collaboration with fans associations.

28. Finally, the Assembly call on all stakeholders to value institutional dialogue among themselves, ensure more inclusive decision making, encourage effective involvement of players' and fans' representatives in football governance at all levels, and reinforce collaboration and co-ordination of actions they implement to support football balanced development, also to avoid that resources available for solidarity be misused because of overlapping initiatives and duplication of efforts.





## Resolution 2421 (2022)<sup>1</sup>

Provisional version

# Sports policies in times of crisis

Parliamentary Assembly

1. The Covid-19 pandemic has completely disrupted the world of sport, which has been one of the sectors hardest hit by the restrictions imposed. The Parliamentary Assembly highlights the important part played by sport in the economic systems of the Council of Europe member States but above all its key role as a means of building social capital, its contribution to social inclusion and combating inequalities, its educational impact and, of course, its beneficial effects on health and quality of life.
2. The Assembly welcomes the new text of the revised European Sports Charter of the Council of Europe, which states that access to sport for all is a fundamental right and asserts that all human beings have an inalienable right of access to sport in a healthy environment.
3. The recovery and sustainable development strategies, which are designed to rebuild better what has been destroyed by the crisis, should foster an appreciation of the value of sport and physical activity as factors for human development and personal and collective well-being and for social development and economic growth, taking due account of its links with other sectors such as health, education, tourism, construction, transport, media, retail and others. There is a need to highlight the leverage effect that promoting sport can have in all these sectors and to step up co-operation between public authorities and sports organisations to create conditions which foster active lifestyles and facilitate and normalise access to physical activity and sport.
4. The flow of financial aid must not fuel corruption. The level of oversight should be raised and respect for the highest standards of integrity should be a prerequisite for the provision of financial support or support in kind for sport. Co-operation should be established between all stakeholders to ensure a consistent multi-stakeholder and multi-disciplinary approach and to fight corruption in sports competitions effectively.
5. International sports governing bodies have a responsibility to seek out balanced, well thought-out solutions in response to public health and financial issues which cannot easily be reconciled. This must not be carried out in a way that is opaque, without listening carefully to all stakeholders. Qualification tournaments, the Olympic and Paralympic Games and other international competitions must take place safely: athletes and other people involved must not be forced to weigh their participation against their health and the health of others.
6. To back up the financial recovery of the sport sector and increase the resilience of the sport system, solidarity mechanisms will have to be established and financial solidarity will have to be enhanced, operating between high-level and grassroots sport, and between different sports and across the world.
7. The whole sports movement, from the top to the bottom, should learn lessons from the crisis, so as to evolve and modernise. Sports organisations and clubs should, in particular, gear their services even more to the needs of athletes and members. Digitisation could be a driving force in this regard. Various online tools

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1. *Assembly debate* on 26 January 2022 (5th sitting) (see [Doc. 15426](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Carlos Alberto Gonçalves). *Text adopted by the Assembly* on 26 January 2022 (5th sitting).



provide ways for people to participate in sport remotely and to keep members involved. Digital transition needs to be integrated into provision strategies though this should not mean that proven models of in-person provision are abandoned.

8. Among the joint responsibilities of the public authorities and the sports-governing bodies as major sports events progressively resume, particular attention should be paid to issues relating to spectator safety, security and services, based on the integrated approach advocated by the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218, Saint Denis Convention). All member States should ratify it and all stakeholders in the sporting world should contribute to its implementation

9. The Assembly also highlights the importance of getting fans and sportsmen and women more involved, through the intermediary of the organisations representing them, in all the stages of the decision-making process concerning sports events; their active involvement can only increase the legitimacy, understanding and observance of restrictive measures.

10. Accordingly, the Assembly calls on the Council of Europe member States to:

10.1. follow the principles and approaches of the revised European Sports Charter of the Council of Europe when devising and implementing legal and policy frameworks for sport;

10.2. incorporate sport into recovery and resilience plans and mechanisms and to integrate sport support measures into economic and social sustainable development strategies, including smart specialisation strategies and regional or local development strategies, while ensuring that a fair share of the resources allocated to the sport sector – including at regional and local level – are used to support the recovery of grassroots sport; in this context, there is a need to:

10.2.1. ensure that sport is eligible for any national funds and mechanisms that are set up to provide emergency aid and assistance;

10.2.2. develop funding support schemes for sports organisations and clubs, paying particular attention to small grassroots clubs, and establishing simple and rapid procedures for accessing funding, relaxed eligibility requirements enabling as many potential recipients as possible to benefit and an assistance and advice service for small bodies; to ensure, in this context, that a fair share of the funds available goes to women's sport;

10.2.3. provide targeted funding for the most vulnerable people (athletes in difficulty, amateur athletes, volunteers) and, in the longer term, to consider other forms of support for athletes' professional and personal development – ensuring that men and women can benefit from these on an equal footing – including mentoring, education and capacity building in key areas (for example media training, financial management, marketing, risk and career management), and to foster dual-career opportunities;

10.2.4. promote the development of sports infrastructure and an environment conducive to sporting activities and physical exercise facilitating access to sport for all;

10.2.5. help low-income families and their children to access sporting activities and to adopt measures to improve provision, aiming at the development of sports activities for health or activities geared to specific groups (such as sport prescribed by doctors or sports cheques to be distributed to people with more limited access to sport than others to be used to pay for subscriptions or one-off sporting activities); at the same time, to encourage sports-governing bodies and sport clubs to develop a range of activities geared to varying groups, while also aiming at the development of women's sport;

10.2.6. value sport and physical education in the context of education systems and to encourage sport and outdoor activities in the school curriculum during the pandemic measures and beyond;

10.3. ratify, if they have not yet done so, the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218, Saint-Denis Convention) and the Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215, Macolin Convention);

10.4. adopt relevant standards and sanctions to uphold the integrity of sports competition against manipulation, to set up whistle-blowing mechanisms and to provide, in co-operation with sports organisations, awareness programmes and training in sports ethics and integrity; sponsorship of sport by the betting industry must be properly regulated and overseen, including provisions on conflicts of interest, responsible gambling, research and intelligence exchange, education and training;

10.5. encourage, in co-operation with sports organisations, the active involvement of fans and athletes in all stages of the organisation of a sports event, in particular (but not only) with regard to the restrictions put in place to safeguard health and safety.

11. The Assembly invites the European institutions to ensure that the sport sector can benefit from the European Regional Development Fund, the Cohesion Fund, the European Social Fund Plus, EU4Health and other EU financial instruments and to show solidarity, considering the possibility of broadening access for non-EU member States to the European funds available and developing transfrontier partnerships in the sporting sphere.

12. The Assembly calls on the International Olympic Committee and other international sport governing bodies to:

12.1. conduct open, participatory and transparent decision-making processes on the continuation, cancellation or postponement of international sports competitions and the health rules imposed on athletes, including enhanced means for the media to follow decision-making processes closely;

12.2. improve co-ordination when deciding on the calendar for major international sports competitions, ensuring that it is not overloaded;

12.3. launch a real thought process on the mechanisms for financial solidarity between high-level and grassroots sport, between different sports and across the world, and to aim for a more balanced distribution of revenues from the sale of broadcasting rights;

12.4. review model contracts (for example those with host cities and other venues for the staging of major international competitions or broadcasting contracts) in order to better anticipate and cover the risks that further waves of pandemic (or other similar threats) may create;

12.5. look into building financial safeguards and compensation mechanisms into the funding system of National Olympic Committees and sports federations so as to limit the impact of the cancellation or postponement of a major event on their financial stability and, for example to:

12.5.1. give thought to creating reserve funds specific to each international federation and solidarity funds at the level of the major worldwide umbrella organisations, into which a minimum percentage of the revenue from each major event they organise would have to be paid, until the funds reach a certain level;

12.5.2. consider setting up reserve funds at National Olympic Committees level by engaging in dialogue with national authorities which might promote and support this process;

12.5.3. contemplate setting up collective insurance mechanisms, at least provisionally;

12.6. draw up clear health guidelines and requirements for holding competitions in order to ensure effective protection of the health of the public, athletes and all other persons involved;

12.7. seek to ensure that athletes who have been vaccinated against pandemics, with vaccines available and recognised in their countries, can participate fully in international tournaments and competitions;

12.8. promote the sharing of experience and information on the effectiveness of the measures adopted with regard to, for example, health and safety requirements, training opportunities, athletes' rights and duties during lockdown and accessing Covid-19 resources (for example, personal protective equipment or testing equipment);

12.9. ensure that there is no discrimination on the grounds of nationality as regards access to training facilities, which should remain open to all competing athletes, whichever country they are from.





## Resolution 2422 (2022)<sup>1</sup>

Provisional version

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

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Resolution 1990 \(2014\)](#), [Resolution 2034 \(2015\)](#), [Resolution 2063 \(2015\)](#), [Resolution 2292 \(2019\)](#), [Resolution 2320 \(2020\)](#), and [Resolution 2363 \(2021\)](#), and reiterates the recommendations addressed to the Russian authorities therein.
2. The Assembly expresses its deep concern about the escalating tensions which threaten security in Europe and about Russia's build-up of military troops along the border with Ukraine.
3. In particular, the laws on foreign agents, undesirable organisations and extremism, recently amended, are incompatible with Council of Europe standards, and have a negative impact on democracy, the rule of law and respect for human rights.
4. The closure, despite multiple appeals of the international community, of Memorial, one of the most respected human rights organisations in the Russian Federation constitutes a serious blow to democracy and the freedoms of association and expression. This is a turning point and an important obstacle to the functioning of independent civil society in the Russian Federation.
5. The plight of Mr Alexei Navalny, arrested and detained despite the judgement of the European Court of Human Rights, raises utmost concern, in particular taking into account his role in the political process in the Russian Federation, as well as the events surrounding his poisoning.
6. The Assembly notes that, contrary to the last parliamentary and presidential elections held in Russia in 2016 and 2018 respectively, it was invited to observe the 2021 parliamentary elections. It nevertheless regrets the shortcomings in the electoral legislation and the conduct of the 2021 parliamentary elections to the Duma as identified by the Assembly Assessment Mission and the Venice Commission.
7. The Assembly expresses its utmost concern over the deteriorating situation with regard to pluralism, human rights and fundamental freedoms in the Russian Federation manifested by the crackdown on opposition politicians, independent civil society, dissenting voices and critical journalists.
8. The Assembly regrets that no progress has been made with addressing the Assembly's demands and requests in the context of the 2008 war between the Russian Federation and Georgia as expressed in [Resolution 1633 \(2008\)](#), [Resolution 1647 \(2009\)](#) and [Resolution 1683 \(2009\)](#), as well as with regard to the military intervention in Donbass and the illegal annexation of Crimea by the Russian Federation as expressed in [Resolution 1990 \(2014\)](#); [Resolution 2034 \(2015\)](#); [Resolution 2063 \(2015\)](#) and [Resolution 2132 \(2016\)](#).

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1. *Assembly debate* on 26 January 2022 (6th sitting) (see [Doc. 15443](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Piero Fassino; and [Doc. 15445](#), opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Maria Jufereva-Skuratovski). *Text adopted by the Assembly* on 26 January 2022 (6th sitting).



9. The Assembly expresses its utmost disappointment that none of its recommendations in all Resolutions entitled “Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation” have been fulfilled.

10. In addition, the Assembly regrets the lack of co-operation of the Russian Federation with the Assembly in the preparation of the reports entitled “Shedding light on the murder of Boris Nemtsov” ([Resolution 2297\(2019\)](#)); on “The arrest and detention of Alexei Navalny in January 2021” ([Resolution 2375 \(2021\)](#)); on the “Poisoning of Alexei Navalny” ([Resolution 2423 \(2022\)](#)) and “Political prisoners in the Russian Federation”.

11. While the above mentioned concerns justify questions with regard to the respect by the Russian Federation of its commitments and obligations as a member State of the Council of Europe, it should be emphasised that the Assembly constitutes the unique pan-European parliamentary platform for political dialogue with the participation of all European countries about the ways of upholding the values and standards that the Council of Europe stands for, including in the Russian Federation. It is recalled that the Assembly can play a meaningful role in this process only if the Russian Federation is a member State of the Organisation and fully participates in its bodies, co-operation mechanisms and activities.

12. In this respect, the Russian delegation’s commitment to co-operate with the Monitoring Committee should be acknowledged. The Assembly should use this opportunity to have an impact on developments in the Russian Federation with regard to democracy, rule of law and respect for human rights.

13. It should be highlighted that, more generally, the Russian Federation is an active member of the Council of Europe, intensively involved in its numerous activities including under the Conventions of relevance to the country’s compliance with its commitments and obligations in the Organisation.

14. The supremacy of the decisions of the Constitutional Court of the Russian Federation over international law including the decisions of the European Court of Human Rights does not guarantee to the Russian citizens a human rights remedy, and the possibility to hold the authorities accountable, which remains an important argument in favour of continuing co-operation at all levels including the parliamentary level.

15. It should be noted that the European Union, NATO, the Organization for Security and Co-operation in Europe (OSCE) and also the United States, while clearly expressing their criticism of the behaviour of the Russian authorities, have not interrupted their relations with Moscow with a view to maintaining a dialogue on security in Europe and favouring an evolution that will see the rule of law and democratic principles respected in the Russian Federation.

16. Consequently, the Assembly resolves to ratify the credentials of the members of the Russian delegation.

17. At the same time, the Assembly calls on the Russian authorities to fulfil the recommendations included in [Resolution 1633 \(2008\)](#), [Resolution 1647 \(2009\)](#), [Resolution 1683 \(2009\)](#), [Resolution 1990 \(2014\)](#), [Resolution 2034 \(2015\)](#), [Resolution 2063 \(2015\)](#), [Resolution 2132 \(2016\)](#), [Resolution 2292 \(2019\)](#), [Resolution 2320 \(2020\)](#), and [Resolution 2363 \(2021\)](#), to fully implement [Resolution 2375 \(2021\)](#) “The arrest and detention of Alexei Navalny in January 2021”, [Resolution 2423 \(2022\)](#) “Poisoning of Alexei Navalny” and [Resolution 2297 \(2019\)](#) “Shedding light on the murder of Boris Nemtsov”, and in particular to:

17.1. recall as soon as possible its military troops from Ukrainian frontiers and stop the escalation of military tension;

17.2. address concerns with regard to repealing the 2012 law on foreign agents as amended, and the 2015 law on undesirable organisations as amended and revising the law on extremism in order to put it in compliance with Council of Europe standards;

17.3. abstain from adopting new laws putting further restrictions on civil society, human rights defenders and journalists;

17.4. refrain from acts leading to violations of fundamental rights and freedoms, in particular freedom of association, freedom of assembly and freedom of expression;

17.5. co-operate with all Assembly committees and facilitate the activity of Assembly’s monitoring and information missions;

17.6. incorporate the judgments of the European Court of Human Rights into the Russian legal system and implement them;

17.7. implement without delay all Committee of Ministers' decisions regarding the execution of the judgments of the European Court of Human Rights and the multiple recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);

18. The Assembly expects that by ratifying the credentials of the Russian delegation, this should be reciprocated by a meaningful dialogue, leading to concrete results. It invites the Monitoring Committee to continue the dialogue with the authorities of the Russian Federation and to submit its report on the honouring of obligations and commitments by the Russian Federation at its earliest convenience and not later than before the end of 2022.







**Resolution 2423 (2022)<sup>1</sup>**

Provisional version

## Poisoning of Alexei Navalny

Parliamentary Assembly

1. On 20 August 2020, Russian opposition politician and anti-corruption activist Alexei Navalny suffered a dramatic decline in health on a flight from Tomsk to Moscow. His plane made an emergency landing at Omsk, where he was taken to a local hospital. Two days later a medical evacuation flight took him to Berlin, where he remained in acute inpatient care at the Charité hospital until 23 September 2020. Following his recovery, he returned to Russia, where he was detained on the basis of a suspended sentence that the European Court of Human Rights had found to be in breach of article 7 (no punishment without law) of the European Convention on Human Rights (ETS No. 5). He is currently imprisoned in Russia.

2. The Parliamentary Assembly notes the ample and widely reported medical evidence showing that Mr Navalny was poisoned with an organophosphorus cholinesterase inhibitor whilst in Russia, prior to his dramatic decline in health on 20 August 2020. It dismisses any suggestion that he was poisoned at any time after being loaded onto the medical evacuation flight from Omsk to Berlin on 22 August 2020, whilst noting the Russian authorities' position that Mr Navalny's symptoms were due to a disrupted carbohydrate metabolism.

3. The Assembly notes that five separate tests have established that Mr Navalny was poisoned with a substance that was structurally related to a group of chemicals listed in the Annex on Chemicals of the Chemical Weapons Convention, although the specific substance concerned is not listed in the Annex. Substances belonging to this group of chemicals, which was originally developed in the Union of Soviet Socialist Republics (USSR), are generally referred to as "Novichok".

4. The Assembly notes that Novichok is an extremely toxic nerve agent, known to have been produced only in state laboratories of the USSR and, reportedly, Russia. It requires very careful handling by specialists. It further notes investigative reports that point to the possibility of involvement of agents of the Federal Security Service of the Russian Federation (FSB) in the poisoning of Mr Navalny. This assertion is further reinforced by the Russian authorities' admission that Mr Navalny was under surveillance by the FSB.

5. The Assembly recalls the numerous judgments of the European Court of Human Rights which found that earlier unlawful repressive actions of the Russian authorities had had a chilling effect on Mr Navalny's political activities and were politically motivated, with one judgment finding a violation of article 18 of the European Convention on Human Rights.

6. The Assembly recalls that Russia is obliged under Article VII of the Chemical Weapons Convention to criminalise, and consequently to investigate and punish any suspected use of chemical weapons on its territory. It recalls that Russia is obliged under Article 2 (right to life) of the European Convention on Human Rights to investigate the attack on Mr Navalny's life. It considers that Russia has yet to conduct an effective investigation into either of these matters, with no reasonable explanation for these failures.

7. The Assembly regrets and expresses serious concerns over Russia's failure to co-operate with its rapporteur on the poisoning of Mr Navalny. It also regrets Russia's failure to co-operate fully on the same issue with the UN Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the promotion and protection of the right to freedom of opinion and expression, or with the Organisation for the Prohibition of

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1. *Assembly debate* on 26 January 2022 (6th sitting) (see [Doc. 15434](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jacques Maire). *Text adopted by the Assembly* on 26 January 2022 (6th sitting).



Chemical Weapons, where Russia has argued that there are insufficient grounds to open an investigation into Mr Navalny's illness. The Assembly also regrets Russia's failure to co-operate with its former rapporteur on "Shedding light on the murder of Boris Nemtsov".

8. The Assembly encourages the Russian Federation and the wider international community to collaborate constructively in all relevant international fora where Mr Navalny's case may be under discussion.

9. The Assembly therefore calls on the Russian Federation to:

9.1. fulfil its obligations under the European Convention on Human Rights by:

9.1.1. launching an independent and effective investigation into the poisoning of Alexei Navalny, with thorough, objective and impartial analysis of all relevant elements. Those responsible for and carrying out the investigation must be independent from the FSB. The investigation should be expeditious, and it should permit sufficient public scrutiny and accessibility to Mr Navalny, whose procedural rights under Russian law in relation to any form of investigative process must also be respected in full, and it would ideally benefit from international co-operation;

9.1.2. immediately releasing Mr Navalny under the interim measure indicated by the European Court of Human Rights on 16 February 2021;

9.2. fulfil its obligations under the Chemical Weapons Convention, including by investigating the alleged development, production, stockpiling, and use of a chemical weapon on Russian territory and by providing as soon as possible substantive replies to questions posed by other States parties, and more generally by fully co-operating with the mechanisms foreseen by the Convention;

9.3. reach agreement on a technical assistance visit by the Organisation for the Prohibition of Chemical Weapons, on the standard conditions that guarantee the independence of its technical secretariat, this visit to take place at the very earliest opportunity;

9.4. stop using all forms of repressive measures against political opposition and civil society activists.



## Resolution 2424 (2022)<sup>1</sup>

Provisional version

# Beating Covid-19 with public health measures

Parliamentary Assembly

1. By 19 January 2022, more than 332 million confirmed cases of Covid-19, including more than 5.5 million deaths, had been reported to the World Health Organization (WHO). These figures are alarming, in particular since they are bound to be a large under-estimate in many parts of the world. Currently, the European and the Americas regions of WHO are recording the most cases, as the fast-growing Omicron variant displaces the previously dominant Delta variant – nearly 9 million cases and over 21 000 deaths were recorded in the last 7 days in the European region alone.
2. At the same time, nearly 10 billion vaccine doses have so far been administered, an amazing feat only 2 years after the virus was first discovered. The vaccines approved by WHO have proven safe and very effective in reducing disease severity. However, global vaccine distribution and uptake has neither been equitable nor sufficient: in the European region, 57/100 persons are fully vaccinated, but only 7/100 persons in the African region. Despite the work of the COVAX mechanism (which won the Council of Europe North-South Prize in 2021), in lower income countries only 5/100 persons are fully vaccinated, while upper middle-income and high-income countries have already fully vaccinated 68/100 persons. Widespread vaccine misinformation and hesitancy needs to be urgently addressed in all countries.
3. Further Covid-19 vaccines are in the making, using different techniques with a view to addressing immune escape, reaching sterilising immunity and developing a general vaccine against all Covid-19 variants. First specific treatments of Covid-19, surprisingly effective if taken shortly after infection, are also starting to be authorised. To fulfil their promise, these treatments necessitate effective and accessible testing and contact-tracing systems, as well as overcoming obstacles to global equitable production and distribution.
4. The Assembly welcomes the global initiatives promoting global solidarity in the fight against the pandemic, including the efforts of countries that have supplied Covid-19 vaccines, and the holding of the thirty-first special session of the United Nations General Assembly, in response to the Covid-19 pandemic, that took place on 3-4 December 2020. It stresses the importance of international co-operation and effective multilateralism in ensuring that all States, in particular developing States, have affordable, timely, equitable and universal access to Covid-19 vaccines in order to minimise negative effects in all affected States and to beat the pandemic. In this regard, the Assembly recalls the relevant resolutions adopted by the UN General Assembly and the UN Human Rights Council.
5. Unfortunately, a significant percentage of survivors of Covid-19 infection will have persistent symptoms (“long Covid”), some severe. Research so far indicates that about 10-20% of all adults infected by the virus are affected, putting a considerable strain on healthcare systems and economies, not to mention on the quality of life of these new chronic disease sufferers, many of whom are comparatively young, and were healthy and active before infection. Governments must make this a public health priority and urgently allocate the necessary resources for research on the condition and treatment of persons suffering with post Covid-19 symptoms, in order to uphold the right to health.

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1. *Assembly debate* on 27 January 2022 (7th sitting) (see [Doc. 15444](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 27 January 2022 (7th sitting).

See also [Recommendation 2222 \(2022\)](#).



6. The mental health situation has deteriorated across the globe due to the chronic stress and uncertainty of living in pandemic times, adding to the general disease burden. With the virus evolving into ever new and more infectious variants, some evading immunity provided by vaccines and prior infection, successive waves of Covid-19 infection have led to long waiting lists in most countries for treatment of other diseases, further deepening the general health crisis. Moreover, the pandemic has laid bare inequities in our health systems and lack of sufficient funding, resulting, *inter alia*, in overworked health-care staff and insufficient hospital beds. This needs to be addressed urgently.

7. However, the Covid-19 pandemic is far more than a health crisis as it affects societies and economies at their core with the increase of poverty and inequalities both within member States and globally, thus also resulting in a setback for the achievement of the UN Sustainable Development Goals. Once again, working people, parents, children, women, vulnerable persons and marginalised individuals are disproportionately affected.

8. It is thus urgent that all countries learn the lessons of the pandemic so far, starting with the implementation of the necessary public health and social measures to get the pandemic under control. High infection rates cannot be tolerated anywhere, since every infection gives the virus a new chance to mutate, and thus become more infectious, virulent, and/or immune-escaping – creating a seemingly never-ending cycle of waves of disease. These cycles push decision makers into making stark choices between “living with the virus” and the large burden of disease and death the virus brings on the one hand, and taking harsh public health and social measures to protect health systems from collapse, and the disruption to our economies, our education systems and our societies these measures bring on the other hand.

9. As has been pointed out at several junctures of the pandemic, “no-one is safe until everyone is safe”. The Parliamentary Assembly thus recommends that governments and parliaments in Council of Europe member States and worldwide make the necessary paradigm shift to beating Covid-19 with public health measures in a human-rights compliant way, once and for all:

9.1. at all times:

9.1.1. by following WHO and expert advice, and adjusting pandemic control measures to the evolving local situation and in line with evolving scientific knowledge;

9.1.2. when it is necessary to impose public health measures which interfere with fundamental rights, by ensuring that decisions are made and communicated in a clear and transparent manner, that they are as far as possible evidence based, fulfil a legitimate aim and that they are proportionate. Parliaments, the judiciary, and, when appropriate, external experts, should be able to assess and review the measures. Moreover, continued assessments are needed to ensure that measures are not in place for longer than necessary, but also to consider other measures that may be more appropriate;

9.1.3. by encouraging vaccinations, mask wearing, maintaining physical distancing, hand hygiene, avoiding crowded and closed spaces, and ensuring proper ventilation in schools, health- and social care settings and public buildings, with a view to preventing the spread of Covid-19 disease without having to shut down large parts of society;

9.2. with regard to bringing down infection rates:

9.2.1. by putting in place a timely and staggered response to rising infection rates in accordance with WHO guidance, adapted to the local circumstances in pandemic hotspots, while implementing appropriate measures to offset any negative impact and respecting the principle of proportionality, in particular:

9.2.1.1. developing production capacity, distribution and considering mandating the use of high-quality masks (progressively moving to masks of FFP2 standard if possible) in high-risk situations (such as on public transport, in crowded spaces inside and outside, in schools); providing such masks free of charge for vulnerable groups if possible;

9.2.1.2. making appropriate Covid-19 testing available free of charge to users, in particular for health and social care personnel, children and school personnel, essential workers, contact cases and persons with symptoms;

9.2.1.3. using vaccination certificates only for their designated purpose of monitoring vaccine efficacy, potential side effects and adverse events, as called for by the Assembly in its [Resolution 2361 \(2021\)](#), when appropriate;

- 9.2.1.4. encouraging working from home where possible when necessary;
- 9.2.1.5. considering putting into place other proven infection control measures as and when necessary when infection rates spike (such as placing maximum capacity limits on businesses and events where the risk of infection is high), while keeping schools, universities and businesses open as long as possible;
- 9.2.2. by ensuring that infection chains are broken, and vulnerable persons are shielded from infection:
  - 9.2.2.1. putting in place effective, accessible and affordable testing systems, as well as contact-tracing systems;
  - 9.2.2.2. mandating a sufficiently long isolation period for those infected and a sufficiently long quarantine for contact cases (based on recommendations from WHO and public health experts), and ensuring that the necessary financial, logistical and other support is in place for those affected to actually comply with the guidance given, and that their economic and social rights enshrined in the European Social Charter (ETS No. 35) are guaranteed;
  - 9.2.2.3. shielding highly vulnerable persons from infection, including by legislating for vaccination mandates for healthcare or social-care personnel in contact with them, and ensure that the necessary financial, logistical and other support is in place for the measures to be effective, and that their economic and social rights enshrined in the European Social Charter are guaranteed;
- 9.3. with regard to ensuring global equitable distribution of vaccines and treatments:
  - 9.3.1. by ensuring that market conditions no longer disadvantage countries with less economic power:
    - 9.3.1.1. showing a stronger commitment to funding a global response, including via the COVAX mechanism;
    - 9.3.1.2. reaffirming the Assembly's call in its [Resolution 2361 \(2021\)](#) and overcoming obstacles to global equitable production and distribution, including through supporting the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) waiver for vaccines and treatments during the pandemic, technology transfer and building up local production capacity;
  - 9.3.2. by avoiding discrimination between and within countries:
    - 9.3.2.1. mutually recognising vaccination certificates issued by Council of Europe member States, as well as vaccination certificates of all WHO-authorized vaccines;
    - 9.3.2.2. follow the advice of WHO and avoid instituting ineffectual blanket travel bans when new variants emerge;
    - 9.3.2.3. following the advice of independent national, European and international bioethics committees and institutions, as well as of WHO, in the development and implementation of strategies for the equitable distribution of Covid-19 vaccines and treatments within States;
- 9.4. with regard to sufficient vaccine uptake:
  - 9.4.1. by ensuring free, effective and easy access to vaccination for all for whom vaccine use is authorised, in respect for the principle of equitable access to healthcare, as laid down in Article 3 of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No. 164, Oviedo Convention);
  - 9.4.2. by taking effective measures to counter misinformation, disinformation and hesitancy regarding Covid-19 vaccines:
    - 9.4.2.1. investing in strong vaccine education campaigns, and distributing transparent information on the safety and possible side effects of vaccines, working with and regulating social media platforms to prevent the spread of misinformation;

- 9.4.2.2. collaborating with non-governmental organisations and/or other local initiatives to reach out to marginalised groups, and engaging with local communities in developing and implementing tailored strategies to support vaccine uptake;
    - 9.4.3. starting a public debate on possibly legislating for vaccination mandates for specific groups or the general population; such vaccination mandates should, however, not cover persons who for medical reasons should not get vaccinated nor should it cover children until and unless the complete safety and efficacy of all vaccines made available to children is ensured, with a focus on the best interests of the child, in accordance with the United Nations Convention on the Rights of the Child;
    - 9.4.4. by keeping records of vaccination side effects and providing support to people with possible complications from vaccination;
  - 9.5. with regard to addressing “long Covid”:
    - 9.5.1. by making research into the condition a priority and allocating the necessary funds to research and treatment, with a view to ultimately introducing unified treatment guidelines;
    - 9.5.2. by setting up screening programmes to gain a better understanding of how many people are affected by the condition and the kind of support they would need, and how this support can best be provided;
    - 9.5.3. by focusing efforts on the development and widespread use of comprehensive rehabilitation programmes for patients with “long covid”;
    - 9.5.4. by ensuring that sufferers are not discriminated against;
  - 9.6. with regard to building stronger health systems nationally, at European level, and globally:
    - 9.6.1. by ensuring the necessary funds are made available to national health systems, in particular with regard to appropriate pay for healthcare and social care personnel, and appropriate, affordable and accessible mental health care (in particular for children and young people);
    - 9.6.2. by applying the recommendations contained in [Resolution 2329 \(2020\)](#) “Lessons for the future from an effective and rights-based response to the Covid-19 pandemic” as regards:
      - 9.6.2.1. public health and pandemic preparedness, global health security, and the “One Health” approach, also by supporting the drafting and negotiating of a convention, agreement or other international instrument under the Constitution of the World Health Organization to strengthen pandemic prevention, preparedness and response;
      - 9.6.2.2. WHO reform;
      - 9.6.2.3. the development of a regional European system capable of assisting the responsible international institutions in their endeavours to ensure effective preparedness for and reaction to pandemics;
      - 9.6.2.4. the establishment of a permanent system of inspection at the United Nations for current and future biological events with serious consequences and international oversight and accountability for pandemic preparedness through an independent external entity;
  - 9.7. with regard to addressing the socio-economic issues that have arisen due to the pandemic:
    - 9.7.1. by applying the recommendations contained in [Resolution 2384 \(2021\)](#) “Overcoming the socio-economic crisis sparked by the Covid-19 pandemic”, [Resolution 2385 \(2021\)](#) “Impact of the Covid-19 pandemic on children’s rights” and [Resolution 2393 \(2021\)](#) “Socio-economic inequalities in Europe: time to restore social trust by strengthening social rights”;
    - 9.7.2. by upholding the fundamental social and economic rights enshrined in the European Social Charter.
10. The Covid-19 pandemic is not over, nor is it likely to be the last pandemic of its kind. It is paramount to avoid the politicisation of pandemics – and of public health measures to contain them. To mitigate the impact of future coronavirus variants and of other health threats which may soon emerge, the world needs to urgently establish and strengthen pathogen monitoring and surveillance systems. The divides between countries and within societies need to be bridged, with politicians leading by example, so that Covid-19 can be beaten once and for all, and future threats can be faced in a more unified manner, with more solidarity.





**Resolution 2425 (2022)<sup>1</sup>**

Provisional version

## Ending enforced disappearances on the territory of the Council of Europe

Parliamentary Assembly

1. The Parliamentary Assembly deeply regrets that enforced disappearances remain even today a frequent criminal practice in the geographical area covered by the Council of Europe and all over the world. It recalls its [Resolution 1371 \(2004\)](#) “Disappeared persons in Belarus” and deplores the fact that the four cases of enforced disappearances examined by the Assembly in 2004 still remain unpunished. The Assembly also recalls its [Resolution 2067 \(2015\)](#) and [Recommendation 2076 \(2015\)](#) “Missing persons during the conflict in Ukraine”, [Resolution 2132 \(2016\)](#) “Political consequences of the Russian aggression in Ukraine”, [Resolution 2133 \(2016\)](#) “Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities”, [Resolution 2198 \(2018\)](#) “Humanitarian consequences of the war in Ukraine”, and [Resolution 2391 \(2021\)](#) and [Recommendation 2209 \(2021\)](#) “Humanitarian consequences of the conflict between Armenia and Azerbaijan/the Nagorno Karabakh conflict”. Finally, the Assembly refers to its [Resolution 2324 \(2020\)](#) and its [Recommendation 2172 \(2020\)](#) “Missing refugee and migrant children in Europe” in which it had previously expressed concern over the recent rise in cases of disappearances of migrants, especially minors. The Assembly also expresses deep concern over the unclear fate and whereabouts of the victims of enforced disappearance in the territory of the Russian Federation and territories under Russia's effective control, including the Autonomous Republic of Crimea, the city of Sevastopol, parts of Donetsk and Luhansk regions (Ukraine).
2. The Assembly reiterates that enforced disappearances violate numerous non-derogable and essential human rights and is equally prohibited under international human rights law and international humanitarian law, regardless of the nature and qualification of the armed conflict. It reaffirms that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances and that the widespread or systematic practice of enforced disappearances constitutes a crime against humanity under general international law.
3. The Assembly recognises that the uncertainty in which the family and relatives of those missing live has a harmful psychological, social, legal and economic impact on both the relatives and the wider communities to which they belong. It emphasizes that the practice of enforced disappearances is equally alarming in times of peace and during armed conflicts, but when occurring in the context of warfare it also threatens stability and prevents lasting reconciliation between the parties to a conflict, even when that conflict has long ceased.
4. The Assembly is alarmed with increasing cases of enforced disappearances in the context of armed conflicts when *hors de combat* captured by adversary forces are placed outside the protection of the law and disappear, instead of receiving appropriate protection under international and domestic law.
5. The Assembly notes that, despite the efforts of the international community and some local players, co-operation between the countries concerned leaves something to be desired. In addition, investigations at national level have often long been inactive. It points out that the passage of time does not prevent the identification of bodies with modern DNA-based methods.

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1. *Assembly debate* on 27 January 2022 (7th sitting) (see [Doc. 15431](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr André Gattolin). *Text adopted by the Assembly* on 27 January 2022 (7th sitting). See also [Recommendation 2223 \(2022\)](#).



6. The Assembly points out that, in accordance with the case-law of the European Court of Human Rights, reflected in the Guidelines adopted by the Committee of Ministers in 2011, States have an unconditional obligation to investigate all serious allegations of violations of Articles 2 and 3 of the European Convention on Human Rights (ETS No. 5, the Convention) and to punish such violations. Yet several Council of Europe reports have highlighted the slow and incomplete execution of the numerous judgments of the Court finding “procedural” violations of Article 2 on the grounds that there has been no serious investigation into enforced disappearances in several States, particularly in the North Caucasus region in the Russian Federation..

7. The Assembly welcomes the entry into force, on 23 December 2010, of the International Convention for the Protection of All Persons from Enforced Disappearance (CED), which codifies the fundamental principles of action against enforced disappearances. The Committee on Enforced Disappearances created by the CED has a power of injunction, under the urgent action procedure, and may receive “communications” from individuals or another State against States Parties who have made a declaration under Articles 31 and 32.

8. The Assembly considers that the CED, in conjunction with the Working Group on Enforced or Involuntary Disappearance (WGEID) and also the International Commission on Missing Persons (ICMP), the International Committee of the Red Cross (ICRC), regional mechanisms such as the Committee on Missing Persons (CMP) in Cyprus and the European Court of Human Rights case law form a well developed institutional and normative framework. Rather than adding a new convention at the level of the Council of Europe, steps should be taken to reinforce the existing legal framework, and better implement the good practices recommended in those instruments in all the member States.

9. The Assembly also stresses the importance of the role of civil society in this area, and in particular the strong solidarity and vital psychosocial support provided by the associations of families of missing persons. These deserve all the moral and financial support that the international community can provide, and they must be protected against pressure exerted by certain States.

10. The Assembly believes that the Council of Europe and its member and observer States must play a major role in this context. European States should exert their influence at international level and set a good example, by ratifying the CED and effectively implementing the preventive and repressive measures provided for in the aforementioned instruments, in national legislation and practice. The Council of Europe should support its member States in this endeavour, by co-ordinating efforts and providing the necessary technical support.

11. The Assembly therefore invites all the member and observers States not yet having done so to:

11.1. sign and ratify the CED and make declarations under Articles 31 and 32, enabling the Committee on Enforced Disappearances to examine individual and inter-State communications, and promote universal ratification of this convention, *inter alia* by joining the Group of Friends of the CED launched by France, Argentina and Morocco or by setting up a Group of European Friends of the CED;

11.2. implement the preventive and repressive measures recommended in the CED, including while ratification of this instrument is pending, *inter alia* by:

11.2.1. making the crime of enforced disappearance a stand-alone offence, defined in accordance with the CED, within their national criminal legislation and providing for sanctions commensurate with the extreme seriousness of the crime;

11.2.2. introducing an effective means of *habeas corpus*;

11.2.3. ensuring that the statute of limitations, if applied in respect of enforced disappearance, is long and proportionate to the extreme seriousness of this offence, and takes into account its continuous nature;

11.2.4. undertaking measures to prevent cases of enforced disappearance based on racial or any other form of discrimination and duly investigating them;

11.2.5. providing effective measures to identify perpetrators of enforced disappearance;

11.2.6. creating centralised detention registers;

11.2.7. making prison release protocols mandatory;

11.2.8. prohibiting secret and incommunicado detention and clandestine detention centres;

11.2.9. establishing protocols for documenting unidentified human remains;

11.2.10. avoiding sending people back to countries where they risk becoming victims of enforced disappearances;



- 11.2.11. providing suitable training for members of the security and armed forces;
- 11.2.12. ensuring that their laws on adoption do not provide a means of gaining control over missing children or children of missing persons;

11.3. join the ICMP or support it in another way in its efforts to provide technical assistance to any States requiring it;

11.4. sign and ratify the optional protocol to the Convention against Torture (OP-CAT) and the Rome Statute of the International Criminal Court, which cover certain aspects of the crime of enforced disappearance.

12. The Assembly also invites all the Council of Europe's member States and, where applicable, observer States to:

12.1. co-operate with one another in criminal investigations into disappearances, using the relevant conventions of the Council of Europe;

12.2. declassify documents and make available all relevant information conducive to locating mass graves and clarifying the fate of missing persons;

12.3. make the greatest possible use of the universal jurisdiction authorised *inter alia* by the CED, the Convention against torture and the Rome Statute, to prosecute the perpetrators of crimes of enforced disappearance committed in other countries;

12.4. place special emphasis on execution of the Court's judgments relating to cases of enforced disappearances, and relevant provisional measures indicated by the Court, taking all the individual and general measures required to resolve the cases concerned and prevent further cases arising;

12.5. protect associations of families of missing persons from any threats and provide them with financial backing in their efforts to sustain mutual psychosocial support, combat impunity and promote remembrance;

12.6. impose sanctions against state bodies, state-controlled groups and individuals implicated in the cases of enforced disappearance in the territories of the Council of Europe's member States or which are obstructing effective investigation into such cases;

12.7. support the idea of holding a world conference in 2022 on the topic of enforced disappearances, which would also provide an opportunity for States to announce new ratifications of the CED.





**Resolution 2426 (2022)<sup>1</sup>**

Provisional version

## The Observatory on History Teaching in Europe

Parliamentary Assembly

1. The Parliamentary Assembly emphasises that history education is of key importance to strengthen common values and promote a reflection on history thereby bringing people together rather than dividing them. Stimulating historical analysis and debate will help young people to acquire a critical understanding of the past with all its complexities and can provide the answers to critically understand the present.
2. On 12 November 2020, the Committee of Ministers established the Enlarged Partial Agreement on the Observatory on History Teaching in Europe and to date 17 member States have joined. The activities of the Observatory focus on producing regular reports on the state of history teaching in the participating member States, publishing thematic reports on specific topics, as well as organising annual conferences and events, thereby offering a knowledge-exchange platform for experts, policy makers and history education professionals.
3. The Assembly welcomes the decision of the Committee of Ministers to establish this new co-operation instrument, also giving a timely impetus to its long-standing intergovernmental programme on history education. Through synergy, their combined activities can help member States to address the challenges for history education in the 21<sup>st</sup> century.
4. Over the past few years the Council of Europe has developed the Reference Framework of Competences for Democratic Culture and the guiding principles for history education, with a set of models and methods to help teachers adapt them in the classroom. Combined, they can inspire and guide young people to develop attitudes of openness to cultural difference, respect and responsibility and to develop particular skills such as autonomous learning, analytical thinking, dialogue and argumentation including conflict resolution skills, which clearly intersect with competences that are needed to exercise democratic citizenship in society.
5. The Assembly holds that in increasingly diverse societies, it is crucial to learn about cultural, religious, and ethnic diversity and interactions to avoid a mono-cultural curriculum. Multiperspectivity is fundamental to understanding different standpoints which often result from a specific historical context. When analysed in the classroom and considered together they create a nuanced and deeper understanding of the historical dimension of any event.
6. Accordingly, the Assembly calls for the member States of the Council of Europe to:
  - 6.1. join the Enlarged Partial Agreement on the Observatory on History Teaching in Europe and fully benefit from this knowledge-exchange platform for experts, policy makers and history education professionals;
  - 6.2. take an active part in the work of the intergovernmental sector on history education of the Council of Europe Directorate General of Democracy;

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1. *Assembly debate* on 27 January 2022 (8th sitting) (see [Doc. 15423](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Bertrand Bouyx). *Text adopted by the Assembly* on 27 January 2022 (8th sitting). See also [Recommendation 2224 \(2022\)](#).



6.3. undertake a strategic policy review to incorporate the Council of Europe guiding principles for history education and the Reference Framework of Competences for Democratic Culture in their education policies, and in particular:

6.3.1. concerning curricula and methodologies to:

6.3.1.1. develop flexibility of history curricula to provide more time and autonomy for teachers to move away from knowledge-based towards learner-centred and competence-based teaching;

6.3.1.2. introduce teaching of the complex history of democracy and develop democratic practices, attitudes and values in the classroom;

6.3.1.3. develop methodologies to stimulate critical thinking by learning to evaluate historical sources and make well informed judgements;

6.3.1.4. develop multiperspectivity in history education to analyse different standpoints that together create the historical dimension of any event;

6.3.1.5. introduce learning about cultural, religious and ethnic diversity and interactions to avoid a mono-cultural and one-sided curriculum;

6.3.1.6. develop interactive pedagogies and co-operative learning in small groups which acknowledge cultural differences and multiple identities among learners in a class;

6.3.1.7. consider introducing sensitive and controversial issues to overcome prejudice and bias;

6.3.1.8. open up a European perspective in history education by identifying historical themes that are common in Europe and that could be considered from similar or different perspectives;

6.3.2. concerning measures to create a supportive and enabling environment for teachers and learners:

6.3.2.1. multiply opportunities for professional exchange and development among teachers and use different teaching resources and guidance – including the Council of Europe guiding principles – available in local languages;

6.3.2.2. include the “Competences for Democratic Culture” in teacher education and professional development;

6.3.2.3. bridge the gap between formal and non-formal education by encouraging partnerships with cultural institutions and other relevant partners outside schools (museums, archives, libraries, etc);

6.3.2.4. encourage the use of digital technologies in history education to promote collaborative learning as well as international co-operation with other schools;

6.3.2.5. guarantee free access to virtual learning environments, which give access to open educational resources.

7. While acknowledging the subsidiarity principle and independence of the European Union member States to decide freely on policies in education and history teaching, the Assembly would welcome the participation of the European Union in the activities of the Observatory and its support to co-operation programmes and innovative pilot projects for quality history education in accordance with the Observatory Statutory documents.



**Resolution 2427 (2022)<sup>1</sup>**  
Provisional version

## The functioning of democratic institutions in Armenia

### Parliamentary Assembly

1. Armenia has made marked progress in its democratic development since 2018. At the same time, in a short period of time, Armenia has faced a series of events which have each exerted a strong influence on the functioning of its institutions. First, a broad-based peaceful movement, the Velvet Revolution, led to a change in Armenia's political leadership in May 2018. This was confirmed by a snap parliamentary election in December 2018, the organisation and conduct of which were commended by international observers, including the Parliamentary Assembly. Armenia then became involved in the Nagorno-Karabakh military conflict from September to November 2020, and its parliament and government buildings were subsequently stormed by demonstrators. This attempted overthrow of the constitutional order came after the announcement of the signing of the Trilateral Statement by the Prime Minister of Armenia, the President of the Russian Federation and the President of Azerbaijan on the night of 9 November 2020. Armenia then went through a serious political crisis, with the government's legitimacy being questioned, including by some parts of the armed forces which publicly called for its resignation in February 2021. After an electoral reform was adopted in co-operation with the Council of Europe, it finally held early parliamentary elections in June 2021.

2. In this context, the Assembly took stock of the situation to assess what lasting achievements had emerged from the democratic reform process that Armenia had embarked on, despite its recent difficulties, what remained to be done and what could raise questions. Its report focused on a limited number of themes overlapping with the priority reforms that the Assembly had identified in its most recent resolution on Armenia, [Resolution 1837](#) on "The functioning of democratic institutions in Armenia" adopted in 2011: electoral reform, ensuring institutional power is correctly balanced and enabling democratic culture to take root in the political sphere, judicial reform and the media situation.

3. In general, the Assembly welcomes the fact that Armenia has successfully emerged from the serious political crisis triggered by the outcome in the Nagorno-Karabakh conflict. The crisis was resolved with the early elections in June 2021, which were organised in a democratic manner, notwithstanding the highly polarised environment.

4. The Assembly also welcomes the pursuit of reforms, the launch of new projects since the change of political leadership in 2018 and the degree to which Armenia has co-operated with the Council of Europe, including at the level of its parliamentary delegation. In particular, it welcomes the signing of the Protocol amending the Convention for the Protection of Individuals with regard to Processing of Personal Data (STCE No. 223) in October 2019, the ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Lanzarote Convention) in May 2020 and the adoption of the new Criminal Code and the new Code of Criminal Procedure in 2021, both of which are much more in line with European standards than the previous codes.

5. The Assembly notes that the recent conflict had a major impact on Armenia, as described in its [Resolution 2391 \(2021\)](#) "Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict". In particular, it again expresses its consternation at the number of people killed from all sides and reiterates its demand for the return of all Armenian prisoners of war in accordance with

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1. *Assembly debate* on 27 January 2022 (8th sitting) (see [Doc. 15432](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Kimmo Kiljunen and Ms Boriana Åberg). *Text adopted by the Assembly* on 27 January 2022 (8th sitting).



paragraph 8 of the Trilateral Statement. It also reaffirms the importance of cultural and religious heritage and the urgent need to establish mechanisms required for its protection and restoration. It once again deplores the increasing number of speeches or acts that are not conducive to the easing of tensions or the establishment of normal relations between Armenia and Azerbaijan. The Assembly welcomes the transfer of landmines maps to Azerbaijan and calls on the parties to continue their co-operation for demining efforts in the region. It once again calls for a just and lasting resolution of the Nagorno-Karabakh conflict, within the framework of the Organisation for Security and Co-operation in Europe (OSCE) Minsk Group. Finally, it calls for the implementation of the recommendations of the Commissioner for Human Rights contained in her memorandum on the humanitarian and human rights consequences of the conflict.

6. The Assembly also notes the consequences of the Nagorno-Karabakh conflict on Armenian politics, whether in terms of the place of the issue of national security on the political agenda, or the intense polarisation of the political scene over the issue of responsibility for the defeat led by the signing of the Trilateral Statement of 9-10 November 2020.

7. With regard to elections and electoral reform, the Assembly commends Armenia for the conduct of the last two national elections, held in December 2018 and June 2021, which were free of the irregularities that had tainted many elections in the past. As regards the snap election in June 2021, it is also pleased to note that the opposition has accepted the results, after having used the legal means at its disposal to challenge them, and has not boycotted the new parliament's activities.

8. Overall, the Assembly welcomes the marked improvement in the electoral framework, both in terms of the legislation on political parties and the funding of electoral campaigns, and in terms of the voting system, as noted by the Venice Commission and the OSCE/Office for Democratic Institutions and Human Rights (ODIHR).

8.1. It welcomes the efforts made to safeguard the integrity of the system of political finance and enhance political parties' transparency and accountability. It also welcomes the lowering of the threshold of votes required for a political party to receive public funding, and the method of calculating the public funds to be allocated, which, as the Venice Commission pointed out, favours small political parties and consequently political pluralism.

8.2. It also welcomes the package of amendments adopted in April and May 2021 which addressed the majority of recommendations raised in previous Venice Commission opinions and OSCE/ODIHR election observation missions' final reports. It notes that these amendments have, *inter alia*, simplified the voting system, lowered the premium offered to the coalition receiving more than 50% of the votes in the National Assembly and reduced the threshold for political parties to participate in the distribution of seats, thereby promoting political pluralism.

8.3. Lastly, it welcomes both the inclusive and transparent procedure for adopting these amendments and the fact that the amendments of April and May 2021 had been discussed and prepared for a long time, even though they were voted in very shortly before the elections.

9. The Assembly regrets, however, the political climate in which the June 2021 elections took place, which was characterised by intense polarisation and marred by increasingly inflammatory rhetoric among key contestants. It also deplores the fact that women were side-lined throughout the campaign, although in the end, electoral regulations led to an increase in their representation in parliament. The Assembly therefore calls on the political parties to bring about a change of culture in this respect, as equal gender representation in elected office must be backed up by a real opportunity for women to participate actively in political life.

10. The Assembly calls on the Armenian authorities to complete the reform of the electoral framework by taking on board the recommendations of the Venice Commission and the OSCE/ODIHR, in particular as regards abolishing the ban on bi-nationals standing for election and enabling voters to challenge voting results in their constituency. It also calls on Armenia to implement the recommendation of the Congress of Local and Regional Authorities of the Council of Europe by ensuring all local elections are held on the same day and at least six months from parliamentary elections.

11. As regards ensuring institutional power is correctly balanced and enabling democratic culture to take root in the political sphere, the Assembly condemns the violent incidents that occurred in August 2021 between members of the majority and the opposition in the National Assembly. It calls on the majority and the opposition to engage with each other in a constructive and respectful manner over clearly identified and divergent policy directions. It notes that functional mechanisms are in place to protect the opposition's rights,

enabling the latter to play its role and propose alternatives. It calls on the parliamentary majority to fully perform its role in terms of oversight and review of government action, given that it holds the large majority of seats.

12. The Assembly calls on the Armenian authorities to implement their plan to reinstate a Ministry of the Interior and entrust it with some of the law enforcement agencies which are currently under the direct authority of the prime minister. This long-standing recommendation of the Assembly would increase the government's accountability to parliament for any law enforcement matter. It also recommends that the authorities examine the possibility of making several investigative bodies currently under the authority of the prime minister independent.

13. The Assembly commends Armenia for introducing certain checks and balances which have proved their effectiveness, whether it be the President of the Republic of Armenia in his role as guardian of the Constitution or the Human Rights Defender (Ombudsman), whose independence seems to be firmly established. In this respect, the Assembly calls on the authorities to follow the recommendations of the Venice Commission on strengthening the independence of the Human Rights Defender in staff recruitment and management policies.

14. The Assembly also calls on the authorities to ensure that the Commission for the Prevention of Corruption has adequate resources to carry out checks on the interests and assets disclosure of public officials in general and judges in particular and on the financial control of political parties. It also recommends taking advantage of the next revision of the Constitution to examine the possibility of strengthening the independence of this Commission by constitutionalising its status.

15. The Assembly notes that since the peaceful change of power in 2018, tensions have run very high between the Armenian authorities on the one hand and the judiciary and certain judges of the Constitutional Court on the other. It also notes the low level of public trust in the judiciary and the perception that it suffers from a significant degree of corruption and possibly has ties with opponents of the current parliamentary majority. It deeply regrets the public confrontation that took place between the government and the majority on the one hand, and the former chairperson of the Supreme Judicial Council and the former president of the Constitutional Court on the other. It points out that while it is the responsibility of the authorities to uphold the dignity of the judicial office and not to call judges' integrity into question publicly and collectively, both judges and the chairperson of the Supreme Judicial Council and the president of the Constitutional Court are required to be neutral and impartial.

16. It welcomes the measures taken to promote the independence of judges, such as increasing their allowances, setting the remuneration of future "anti-corruption" judges at a higher level than that of ordinary judges, and the change in culture that seems to be under way among pre-trial judges, and has reportedly resulted in a sharp rise in refusals of prosecutorial requests for pre-trial detention.

17. It also notes that in their opinions, both the Group of States against Corruption (GRECO) and the Venice Commission took a generally positive view of the composition of the Supreme Judicial Council, an independent judicial body, and of the scope of its powers.

18. The Assembly calls for the reform of the judiciary to be continued by:

18.1. introducing a proper mechanism for appealing decisions of the Supreme Judicial Council in disciplinary matters, as is already the case with regard to the recruitment and promotion of judges and as recommended by both GRECO and the Venice Commission;

18.2. delivering tangible results in terms of sanctions against undue interference with the administration of justice, in line with GRECO's recommendations;

18.3. establishing a neutral and competent body to provide confidential counselling to judges on improper influences, conflicts of interest and corruption within the judiciary, in line with GRECO's recommendations.

19. With regard to the crisis that began in 2019 between the government and certain judges of the Constitutional Court, the Assembly considers that the implementation of the Constitutional Court model provided for by the 2015 constitutional amendments could justify introducing a single set of rules governing the conditions of service of Constitutional Court judges, in particular the length of their term, in order to prevent some of them from serving beyond the 12 years provided for by the amendments. It also notes that the appointment of the former president of the Constitutional Court was made in such a way as to make both his mode of election and the length of his term of office exempt from full application of the 2015 amendments.

20. The Assembly notes that the authorities tried to find an honourable solution to the crisis by offering early retirement to the judges in question. It welcomes the talks which were conducted in this respect, with the Venice Commission's opinion being sought on two occasions.

21. It regrets, however, that the Armenian authorities did not follow the Venice Commission's recommendations to provide for the renewal of the Constitutional Court while envisaging a transitional period which would allow for a gradual change in the composition of the court in order to avoid any abrupt and immediate change endangering the independence of this institution. The Assembly points out that the principle of irremovability is a guarantee of the independence of the judiciary from the political authorities which must be respected.

22. As regards the media, Armenia recently faced a series of events, including the Covid-19 pandemic and the Nagorno-Karabakh conflict, which led the authorities to severely restrict the independence of journalists and freedom of expression on a temporary basis. The Assembly notes that, both as regards the dissemination of false information and publications likely to cause panic in the context of the Coronavirus pandemic and the restrictions imposed by martial law, the authorities tended to take drastic measures which were manifestly excessive in view of the curbs they placed on freedom of expression, even if the aim pursued was legitimate. They were able to relax their rules regarding the Coronavirus pandemic, however, and the judicial review of martial law initiated by the Human Rights Defender was effective.

23. Armenia has been facing an unprecedented level of disinformation and hate speech since the Nagorno-Karabakh conflict. The Armenian authorities responded by increasing the fines for "insults" and defamation, criminalising "serious" insults in general and providing for fines and a prison sentence when they are directed at persons on account of their public activities.

24. Reiterating its position that defamation should not be criminalised, the Assembly calls on the authorities to:

24.1. ensure that the balance between the freedom of expression guaranteed by Article 10 of the European Convention on Human Rights (ETS No. 5) and the dignity of the person, which forms part of the right to privacy protected by Article 8, is respected;

24.2. ensure that the legislation on penalties for insult and defamation is applied uniformly by the prosecutor's office, in a restrictive sense so that it is not used in an arbitrary manner against individuals and the media;

24.3. develop tools other than preventive punishment to combat disinformation and hate speech. In this respect, it calls on the authorities to improve the training and status of journalists, make systems of self-regulation effective and combat polarisation of the media by increasing transparency in the area of media ownership;

24.4. use the reform of the Law on Mass Media of 2003 to make comprehensive and inclusive reforms to the sector and continue the co-operation with the Council of Europe in this respect.

25. The Assembly resolves to continue to closely follow developments with regard to institutional balances and democratic culture taking root in the Armenian political sphere, judicial reform and the media situation. In particular, it will follow the implementation of the co-operation programmes related to these themes contained in the Council of Europe Action Plan for Armenia 2019-2022 and ensure that they are also taken into account in the 2023-2026 Action Plan.





**Resolution 2428 (2022)<sup>1</sup>**

Provisional version

## **Progress of the Assembly's monitoring procedure (January-December 2021)**

Parliamentary Assembly

1. The Parliamentary Assembly acknowledges the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in [Resolution 1115 \(1997\)](#) (modified) on the “Setting up of an Assembly committee on the honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee)”. In particular it welcomes the committee’s work in accompanying the 11 countries under a monitoring procedure *sensu stricto* (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Poland, the Russian Federation, Serbia, Turkey and Ukraine) and the 3 countries engaged in a post-monitoring dialogue (Bulgaria, Montenegro and North Macedonia) in their efforts to fully comply with the obligations and commitments they entered into upon accession to the Council of Europe, as well as the periodic monitoring of the membership obligations of all other member States, which is currently being carried out in respect of France, Hungary, Malta, the Netherlands, Romania and San Marino.
2. The Assembly is mindful of the continued impact of the Covid-19 pandemic on the monitoring process as well as the work of the Sub-Committee on Conflicts between Council of Europe Member States. It expresses its satisfaction that, by adapting their working methods the activities of monitoring rapporteurs remained uninterrupted throughout the whole reporting period as illustrated by numerous statements, a number of reports and information notes. It also welcomes that, despite the continuing travel restrictions, several fact-finding visits have taken place, including to Armenia, Georgia, Malta, the Republic of Moldova, the Russian Federation and Ukraine. The Assembly fully endorses the Monitoring Committee’s position that in person contacts are a necessary condition for a meaningful political dialogue and the preparation of reports must include a visit to the country concerned.
3. The Assembly notes the committee’s continuous attention to the developments concerning the Nagorno-Karabakh conflict, and its readiness to actively contribute to the establishment of political dialogue between the parties concerned at parliamentary level.
4. The Assembly welcomes the positive developments and progress made during the reporting period in the countries under a full monitoring procedure or engaged in a post-monitoring dialogue, expresses its concern about some negative developments and remaining shortcomings and urges all these countries to step up their efforts to fully honour their membership obligations and accession commitments to the Council of Europe. In particular:
  - 4.1. with respect to Albania: the Assembly welcomes the organisation of elections on 25 April 2021 and the return of the opposition to the work of the parliament, which should contribute to resolving the systemic political crisis that has plagued the country. It calls on all political forces to refrain from actions and discourse that increase tensions in the political environment. While welcoming the ongoing efforts

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1. *Assembly debate* on 28 January 2022 (9th sitting) (see [Doc. 15433](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Michael Aastrup Jensen). *Text adopted by the Assembly* on 28 January 2022 (9th sitting).



to strengthen the independence of the judiciary and fight widespread corruption, the Assembly is concerned about the attempts by the authorities to increase their control over the media and flow of information that could negatively affect the media environment in the country;

4.2. with respect to Armenia: referring to [Resolution 2427 \(2022\)](#) “The functioning of democratic institutions in Armenia”, the Assembly welcomes the fact that Armenia has successfully emerged from the serious political crisis triggered by the outcome of the Nagorno-Karabakh conflict by organising early elections in June 2021, carried out in a democratic manner, notwithstanding the highly polarised environment. The Assembly also welcomes the pursuit of reforms and co-operation with the Council of Europe. At the same time it deplores, however, the political climate in which the June 2021 elections took place, which were characterised by intense polarisation and marred by increasingly inflammatory rhetoric among key contestants. The Assembly calls on all political stakeholders to observe democratic standards in political debate and continue the reforms;

4.3. with respect to Azerbaijan: the Assembly welcomes the authorities’ declared will to conduct a dialogue but regrets that no progress has been made with regard to the outstanding concerns in the area of pluralism and the rule of law. It deplores the lack of independence of the judiciary as illustrated by a long-standing pattern of repression of political opponents and government’s critics and confirmed by the judgements of the European Court of Human Rights. It also denounces the restrictions on basic freedoms including freedom of expression, assembly and association and calls on the authorities to undertake urgent measures with a view to improving this highly unsatisfactory situation;

4.4. with respect to Bosnia and Herzegovina: the Assembly regrets that no tangible progress has been made by the Bosnian authorities in the execution of the Sejdić and Finci judgments for 12 years. It deplores the inability of the various political forces in Bosnia and Herzegovina to reach an agreement that would allow this to happen, in contrast to what they achieved for the holding of municipal elections. It condemns the maintenance of the current electoral system, which constitutes a clear violation by Bosnia and Herzegovina of its obligations as a member State. It calls on the Bosnian authorities to comply with these judgments before the next parliamentary elections are held in October 2022;

4.5. with respect to Georgia: the Assembly expresses its concern about the deeply polarised political climate in the country that contributed to the breakdown of the 19 April 2021 political agreement mediated by the European Union. It calls upon all political forces, majority and opposition, to commit themselves, and engage in a constructive dialogue with each other to implement the different reforms foreseen in this agreement, which are closely related to its Council of Europe membership obligations. In this respect, it welcomes the adoption of the electoral reforms that were agreed between the ruling majority and opposition as part of this agreement. Georgia has made considerable progress over the years with its reform of the judiciary with a view to strengthen its independence. However, the functioning of the High Council of Justice remains a point of concern. In that context the Assembly deeply regrets that the authorities have continued to appoint Supreme Court judges on the basis of a clearly deficient appointment process that in several aspects does not comply with international norms and standards, despite repeated calls by the international community to the contrary;

4.6. with respect to the Republic of Moldova: the Assembly commends the peaceful political transition and the organisation of early parliamentary elections in July 2021 resulting in greater political stability and better gender-balanced representation in parliament. It welcomes the determination of the Moldovan authorities to reform the judiciary and the prosecution office, strengthen their independence, fight corruption, enhance transparency and address the roots of “state capture” in the interests of the population. It also welcomes the adoption of the constitutional amendments on the judiciary, based on a large political consensus as well as the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS 210, “Istanbul Convention”) to prevent and combat violence against women, including domestic violence. The Assembly encourages the Moldovan authorities to continue their reforms that should involve the opposition and civil society representatives and ensure respect of the rule of law, in line with Council of Europe standards. It encourages the Moldovan authorities to continue their close co-operation with the Council of Europe, in particular its Venice Commission, and calls on the Moldovan authorities to implement its recommendations;

4.7. with respect to Poland: the Assembly welcomes the appointment of a new Ombudsperson with the support of both the ruling majority and opposition. However, it deeply regrets that the situation with regard to the respect of the rule of law and independence of the judiciary have continued to deteriorate over the last year. It underscores that the European Court of Human Rights in its judgments in the cases *Xero Flor w Polsce sp. z o.o. v. Poland* (4907/18) and *Reczkowicz v. Poland* (43447/19) established that certain benches of the Polish Constitutional Tribunal, as well as the Disciplinary

Chamber of the Supreme Court of Poland could not be considered as a “tribunal established by law” within the meaning of the European Convention on Human Rights (ETS No. 5). In this respect it is deeply concerned about the recent judgment of the Polish Constitutional Tribunal that Article 6 (1) of the Convention is not compatible with the Polish Constitution if applied to the Constitutional Tribunal or used to give the European Court of Human Rights the right to assess the legality of the process of electing judges to the Constitutional Tribunal, which is a direct and unacceptable challenge to the supremacy of the European Convention on Human Rights and the fundamental values of the Council of Europe;

4.8. with respect to the Russian Federation: important outstanding concerns include the plight of civil society and implementation of restrictive laws, in particular the Law on Foreign Agents and the Law on Undesirable organisations. It deplores the ongoing procedure aimed at the liquidation of “Memorial”, a well known and respected human rights organisation. With regard to the parliamentary elections which took place on 17-20 September 2021, it notes some concerns identified by the Election Assessment Mission of its Bureau with regard to the electoral legal framework, candidate registration and deregistration by the Central Electoral Commission, (allegedly depriving some 9 million Russian citizens of their passive voting rights), of pressure on State employees to vote on Friday and the safekeeping of ballots overnight; unequal campaigning conditions, in particular media coverage, allegations of misuse of State and administrative resources and impact of the foreign agent legislation. The Assembly recalls its position regarding the illegal annexation of Crimea, confirmed most recently in [Resolution 2363 \(2021\)](#) and regrets that no progress has been made concerning its earlier recommendations with regard to Eastern Ukraine, Crimea, and the occupied Georgian regions of South Ossetia and Abkhazia and the presence of Russian troops in the Transnistrian region of the Republic of Moldova. The Assembly expressed serious concern about the recent concentration of large numbers of Russian military troops along the border with Ukraine thus undermining the security and stability in the wider region and urges the Russian Federation to withdraw these troops as soon as possible. The Assembly calls on the Russian authorities to address the concerns with regard to democracy, rule of law and human rights;

4.9. with respect to Serbia: the Assembly welcomes the adoption of the constitutional amendments to de-politicise the judiciary with a view to strengthening its independence. It notes with satisfaction that most of the Venice Commission recommendations were taken into consideration but remains concerned about the risk of politisation of the High Prosecutorial Council. It calls on the Serbian authorities to comply with Council of Europe standards when organising the constitutional referendum of 16 January 2022 and adopting the legislation required to implement these amendments. It welcomes the resumption of the inter-party dialogue to improve election conditions but urge all stakeholders to achieve and commit to tangible measures, based on a broad consensus, that will lead to fair, inclusive, and competitive elections. It also encourages the Serbian authorities to accelerate their reforms with a view to strengthening the independence of the judiciary, media freedom, fight against corruption and independent institutions, which provide for indispensable checks and balances in a democratic society;

4.10. with respect to Turkey: the Assembly calls on the Turkish authorities to fully implement [Resolution 2376 \(2021\)](#) on the functioning of democratic institutions and in particular to put an end to the judicial harassment of opposition and dissenting voices, to improve freedom of expression and media, to restore the independence of the judicial system and to revise the legislation on elections and political parties well ahead of the next elections, in line with the standards of the Council of Europe and in co-operation with monitoring mechanisms, including the Venice Commission. While welcoming the decision of the Constitutional Court to re-instate the political rights of MP Ömer Faruk Gergerlioğlu who was unlawfully stripped of his immunity and deprived of his parliamentary mandate, the Assembly deplores that one third of the parliamentarians, overwhelmingly from opposition parties, remain subject to procedures seeking to lift their immunity. It also remains extremely concerned about the attempt to close the Peoples' Democratic Party (HDP), the continued crackdown on its members and more generally the political violence targeting opposition politicians, which put political pluralism and the functioning of democratic institutions at risk. The Assembly deplores the presidential decision to withdraw from the Istanbul Convention. The Assembly urges the Turkish authorities to uphold women's rights and protect them efficiently from violence, and to remain committed to the principles enshrined in the Istanbul Convention. The Assembly strongly urges the Turkish authorities to implement the European Court of Human Rights rulings and to immediately release philanthropist Mr Kavala and former HDP leader Mr Demirtaş. It calls on the Turkish authorities to act promptly after the Committee of Ministers adopted, on 2 December 2021, interim resolutions on these cases, and formally notified

Turkey of the Committee of Ministers' intention to refer the [Kavala v. Turkey](#) case to the European Court of Human Rights, in line with proceedings provided for under Article 46.4 of the European Convention on Human Rights;

4.11. with respect to Ukraine: the Assembly welcomes the continuing efforts of the Ukrainian authorities to reform the judiciary with a view to ensuring its independence and impartial administration of justice. It welcomes the reboot of the High Qualifications Commission of Judges and High Council of Justice which are essential to a successful reform of the judiciary and to address the widespread corruption. It expresses its concerns about the efforts to delay and undermine these reforms which should be implemented as a matter of urgency. The Assembly calls for the reform, without delay, of the Kyiv District Administrative Court whose rulings against government decisions have been questioned and are widely seen as attempts to undermine the authority's reform and anti-corruption efforts. The Assembly welcomes that, following reforms, the five-tiered institutional structure to fight corruption is starting to achieve tangible results. The Assembly recommends that the authorities increase the number of judges on the High Anti-Corruption Court. It considers that the appointment processes for currently vacant leadership positions in the anti-corruption institutions, as well as those that soon will be vacant, will be a litmus test for the authorities' political will to tackle corruption at all levels in Ukrainian society. The Assembly takes note of the efforts of the authorities to tackle the undue influence of oligarchs in Ukraine. It urges the authorities to address all concerns and recommendations of the Venice Commission in its opinion on the so-called anti-oligarch law, in order to ensure that it complies with European standards and norms. The Assembly welcomes the improved co-operation of the authorities in the framework of the Council of Europe Platform to promote the protection of journalism and safety of journalists. It urges the authorities to ensure that all cases of violence against journalists are fully and transparently investigated to avoid any sense of impunity in this respect. The Assembly welcomes the holding of the inaugural summit of the Crimea Platform aimed at peacefully restoring control of Ukraine over this territory which had a wide and high-level international participation;

4.12. with respect to Bulgaria: the Assembly is aware that a major political crisis triggered by corruption scandals, a lack of respect for the rule of law and ensuing street demonstrations in 2020, as well as three parliamentary elections and one presidential election which took place in the country during the reporting period had an inevitable impact on the pace of addressing the remaining outstanding concerns as defined in [Resolution 2296 \(2019\)](#), namely high-level corruption, transparency in media ownership, human rights of minorities, hate speech and violence against women. At the same time, the Assembly welcomes the smooth organisation of the elections and expresses confidence that the ongoing talks among the parties will allow for replacing the interim government by a stable coalition government which will continue the meaningful dialogue and progress towards Bulgaria's full compliance with its commitments and obligations;

4.13. with respect to Montenegro: the Assembly welcomes the constructive co-operation between the authorities and the Venice Commission on the consideration of the amendments to the Law on State Prosecution and the draft Law on the Prosecutor's office for organised crime and corruption. The Assembly notes, however, that the renewal of all the members of the Prosecutors' Council and the appointment of the five new lay members by the parliament by a simple majority constitute a risk for the independence of the Council. It therefore calls on the Montenegrin Parliament to ensure that the five new lay members of the Prosecutors' Council are appointed on the basis of their competence and perceived as politically neutral. The Assembly is concerned about an increase in the polarisation of the Montenegrin political scene over issues of national identity in a country that has so far managed to largely limit such tensions. It calls on the various political formations and leaders not to accentuate this polarisation, but rather to help reduce its intensity;

4.14. with respect to North Macedonia: the Assembly welcomes the adoption of ambitious reform packages to reform the judiciary and fight corruption and notably encourages the authorities to implement the 2021 recommendations of the Group of States against corruption (GRECO) to tackle corruption within the top executive functions and within the law enforcement forces, especially the police. It congratulates the authorities for the conduct of the census and encourages them to ensure the publication of its results in a transparent and open manner and further promote stable inter-ethnic relationship. The Assembly also urges the authorities to address the remaining serious shortcomings of the prison system and the alarming situation in the Idrizovo Prison highlighted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its May and July 2021 reports despite some recent improvements. It regrets that the adoption of the Negotiating Framework by the European Council of the European Union has been blocked by Bulgaria, thus delaying the opening of the EU accession negotiations, which has triggered disillusion and political instability in the country.



5. With regard to the countries that are currently subject to the procedure for the periodic review of membership obligations to the Council of Europe:

5.1. with respect to Hungary: the Assembly recalls its previous concerns included in [Resolution 2203 \(2018\)](#). In this respect, it welcomes the repeal of the 2017 Law on the transparency of organisations receiving support from abroad (so-called “Lex Soros”) on 22 April 2021 and some progress noted by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) on its legislation on politically exposed persons. The Assembly is however concerned about the functioning of the country’s democratic institutions. It calls on the authorities to strengthen the self-governance of the judicial system, guarantee its independence more effectively, restore journalistic and media freedoms, implement GRECO recommendations to resolutely fight corruption, revise and/or implement its legislation and constitution in line with the recommendations made by the Venice Commission in its Opinions of 2011, July 2021 and October 2021. The Assembly is also concerned about the swift adoption, in December 2020, of constitutional amendments and a legal package under the state of emergency. This includes an electoral reform requiring political parties to nominate candidates in 70% of the constituencies at the next parliamentary elections; the main effect of this reform, as said by the Venice Commission, would be in favour of the incumbents, and thereby aggravating the level of political polarisation. The Assembly therefore calls on the Hungarian authorities to improve the functioning of democratic institutions, ensuring their pluralism and guaranteeing the necessary check and balances;

5.2. with respect to Malta: the Assembly welcomes the reforms implemented by the authorities to address the shortcomings and recommendations noted in its [Resolution 2293 \(2019\)](#) “Daphne Caruana Galizia’s assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges” as well as the Venice Commission in its opinion on the “Constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement”. However it considers that additional systemic reforms are necessary to fully address the Venice Commission’s recommendations and in particular that a profound reform of the Maltese parliament is necessary to establish a full-time parliament that can ensure proper parliamentary oversight over the executive;

5.3. with respect to Romania: the Assembly is aware of a number of concerns including some aspects of the functioning of democratic institutions such as the independence and efficiency of the judiciary, the fight against corruption, pluralism of the media, discrimination of minorities and a number of other issues raised in the report by the Council of Europe Commissioner for Human Rights and the European Commission against Racism and Intolerance (ECRI), in particular racism, violence against women, rights of LGBTI and detention conditions. The Assembly is aware of the political crisis which began on 1 September 2021 as a result of economic difficulties and the handling of the pandemic. This ended on 25 November 2021 with the establishment of a new government. The Assembly is confident that the new authorities will conduct a meaningful political dialogue and address the concerns without delay.

6. The Assembly reiterates its support for the efforts of the committee to ensure the monitoring of membership obligations of all member States and is aware of the impact this has on the workload of the Committee. It encourages the committee to continue to regularly select member States, for this type of monitoring, on substantive grounds, according to its internal working methods and within the limits of its resources. It recognises that the specific conditions and working methods implied by the parliamentary monitoring procedure for the preparation of these reports means that the 2-year reference, in accordance with Article 26 of the Rules of Procedure, is insufficient for the preparation of periodic monitoring reports. This is because of the preparation of the report by two co-rapporteurs, the 6-week period for the authorities to provide comments on the preliminary draft report before it is adopted in the Committee, and due to the practice not to debate reports on a country during election periods or when it chairs the Committee of Ministers of the Council of Europe. The Assembly therefore invites the Committee on Rules of Procedure, Immunities and Institutional Affairs to consider possible ways of extending the 2-year reference period for these reports.

7. The Assembly recognises that the work of the monitoring rapporteurs is time consuming and requires considerable availability and flexibility. It takes note of the problems encountered by the Committee with regard to the availability of rapporteurs as well as candidates for rapporteur positions. It considers that this needs to be addressed in a structural and systemic manner. It therefore invites the committee to explore the advantages of changing the current single five-year term limit for rapporteurs for a country under a full monitoring procedure or engaged in a post-monitoring dialogue to three, three-year terms which would allow both the possibility of recall as well as the retention of available and well performing rapporteurs for a given country. In the meanwhile, the Assembly invites the political groups to make availability to carry out the work

of rapporteurs an important criteria when appointing members to the Committee and to make more frequent recourse to the circulation of rapporteur positions among the groups to alleviate some of the shortages of rapporteurs for vacant positions.

8. The Assembly takes note that currently only 8 out of 39 rapporteurs are women and only 20 out of 82 members in the Committee are women. The Assembly underscores the need for a more balanced gender representation in the nominations by the groups both for Committee membership as well as rapporteur positions.