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Opinion
301



Opinion 301 (2023)¹

Provisional version

Budgets and priorities of the Council of Europe for the period 2024-2027

Parliamentary Assembly

1. The Parliamentary Assembly's Opinion on the budget and priorities of the Council of Europe for the period 2024-2027 has been prepared under unprecedented circumstances. The war of aggression waged by the Russian Federation against Ukraine, a Council of Europe member State, since 24 February 2022 is a violation of international law and a grave violation of the Statute of the Council of Europe (ETS No. 1), in particular of the principles enshrined in Article 3.
2. As a result of this war, the Russian Federation was expelled from the Council of Europe on 16 March 2022, by a unanimous decision of the Committee of Ministers acting under Article 8 of the Statute and on the basis of the unanimously adopted [Opinion 300](#) of the Assembly.
3. The 2024-2027 programming and budgeting process is thus taking place in the context of political, legal and international transformations unfolding in Europe and beyond. These transformations require a re-examination and re-assertion of the place and role of the Council of Europe in today's European and global multilateral architecture and a new focus in its political and budget priorities.
4. In this context, the Assembly welcomed the 4th Council of Europe Summit of Heads of State and Government held in Reykjavik on 16-17 May 2023. It expresses appreciation of the political commitment of Council of Europe member States, witnessed by the participation, at the highest level, of their political leaders in the Summit and the adoption of the Reykjavik Declaration.
5. The Assembly endorses the Reykjavik Declaration and its Appendices which give priority and direction to the Council of Europe's work. It welcomes the recommitment by member States to the fundamental values enshrined in the Council of Europe Statute – democracy, human rights and the rule of law.
6. The Assembly reiterates the importance of the member States' commitment to the European Convention on Human Rights (ETS No. 5) and their respect for the authority of the European Court on Human Rights, whose judgments they are bound to implement. The implementation of the Court's judgments must remain one of the key priorities of the Council of Europe during the next quadrennial programme and budget period. For its part, the Assembly shall continue to strengthen the parliamentary dimension of the implementation of judgments, in particular through high-level political dialogue and its regular thematic reports.
7. The Assembly stands together with the leaders of Council of Europe member States in unity for Ukraine and accountability for the crimes committed against a member State. It welcomes the establishment of an Enlarged Partial Agreement on the Register of Damage and calls on all member and observer States, as well as any other States that are eligible according to the Register's Statute, to join as a Participant or Associate Member. At the same time, the Assembly believes that efforts to ensure accountability and prevent impunity should be further pursued, including through the establishment of an international ad hoc tribunal, as recommended in [Resolution 2482 \(2023\)](#).

1. *Assembly debate* on 21 June 2023 (17th sitting) (see [Doc. 15780](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Ingjerd Schou). *Text adopted by the Assembly* on 21 June 2023 (17th sitting).



8. Particular attention should be paid to addressing the situation of children of Ukraine, in line with the Declaration adopted at the 4th Summit, as well as to ensuring release of civilians, in particular children, forcibly transferred or unlawfully deported to the territory of the Russian Federation or areas under its temporary occupation or control, in accordance with Assembly [Resolution 2495 \(2023\)](#) and [Recommendation 2253 \(2023\)](#).

9. Equally, the Assembly supports the Council of Europe's commitment to provide concrete, tangible and targeted support to Ukraine through the Action Plan "Resilience, Recovery and Reconstruction" (2023-2026). For its part, it will continue to support the Verkhovna Rada in fulfilling Ukraine's statutory obligations, and will provide relevant expertise and peer-to-peer exchanges for parliamentarians. It calls on governments and parliaments of member States to support these co-operation activities by providing additional extrabudgetary resources.

10. The Assembly welcomes the commitment of member States to strengthening democracy and good governance at all levels, as well as counteracting democratic backsliding. It will support member States in delivering on the Reykjavik Principles of Democracy. The Assembly believes moreover that among the political priorities for the next quadrennial cycle, efforts should be continued to provide early warning and rapid reaction, and to provide relevant and targeted support to member States.

11. In its support for more active engagement with civil society and democracy actors, the Assembly emphasises the need to further invest into working with human rights defenders, democratic forces, independent civil society and free media from Belarus and the Russian Federation, who are fighting for the values and principles of the Organisation, including the territorial integrity of sovereign member States. Similarly, the Assembly believes that the strengthening of the youth perspective in the Council of Europe should be given every priority as a means to revitalise democracy and enhance young people's participation in democratic and political processes.

12. Addressing new and emerging human rights challenges must be among the Organisation's priorities during the 2024-2027 programme and budget cycle. Special attention should be paid to initiatives to uphold a right to a clean, safe, healthy and sustainable environment as a human right, including through the strengthening of the relevant legal framework. Equally, it supports the Summit's commitment to initiate the Reykjavik process and looks forward to contributing to it. Legal and human rights aspects of the use of artificial intelligence and emerging digital technologies should remain in the focus of the Council of Europe agenda, including the finalisation of the Council of Europe's Framework Convention on Artificial Intelligence.

13. The Assembly is at the disposal of the Committee of Ministers to feed into the vision that will underpin the establishment of the intergovernmental committee on environment and human rights (Reykjavik Committee), which the Assembly recommends be established as of 1 January 2024. With a view to contributing to the realisation of the human right to a safe, clean, healthy, and sustainable environment at national, European and international level, the Assembly recommends that the Reykjavik Committee benefit from multidisciplinary and multisectoral expertise, start with a stock-taking exercise of existing instruments and mechanisms at European and international level to inspire synergies and avoid duplication of work, and serve as a platform for the exchange of good practice at all levels.

14. Combating inequalities and discrimination, as well as upholding gender equality, including combating violence against women and promoting the ratification and implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"), must remain at the forefront of the Council of Europe agenda. Alongside its work on this topic, the Assembly is committed to enhancing equality between women and men in its own structures and working arrangements.

15. The Council of Europe should continue to act as the United Nations Organisation's regional pillar supporting the delivery of Sustainable Development Goals, which should continue to be mainstreamed in all Council of Europe activities. It welcomes the Summit's commitment to strengthening institutional partnership with the European Union and calls for a speedy completion of the process of accession of the European Union to the European Convention on Human Rights.

16. Given the depth and ambition of the priorities set by the leaders of the member States at the 4th Summit, it is clear that the Council of Europe should be granted resources that are commensurate with the level of member States' political ambition for the Organisation. To effectively deliver on the Summit outcomes, the Organisation's resources should be increased over and above the zero real growth perspective. The sustainability of the Council of Europe's action requires unwavering commitment and investment in the financial contributions from our member States.

17. Therefore, the Assembly calls upon the member States to invest sufficient additional resources into the Organisation to allow it to deliver the results which the Summit has indicated. It is convinced that the need to match resources to ambition will remain at the forefront of the discussions in the Committee of Ministers during the 2024-2027 budgetary process.

18. The Assembly welcomes all the work put in over recent years to modernise and reform the working methods and governance of the Council of Europe, led by the Committee of Ministers, the Secretary General and the Deputy Secretary General, including the introduction of the Result-based Management Strategy as well as the implementation of the People Strategy. It welcomes the approval by the Committee of Ministers of the Capital Master Plan which, *inter alia* provides for the refurbishment and modernisation of the Assembly Chamber through 2023-2024.

19. The Assembly recalls its own initiatives to modernise the Assembly's tools and working methods, including through the pace-apps application, with a view to attain the objective of "paper-less" operation, thus reducing the Assembly's – and the Council of Europe's – costs as well as its carbon footprint in an overall effort to address the environmental challenge. Digital modernisation will therefore continue to be high on the Assembly's own list of priorities during the 2024-2027 programme and budget period, as will the best-practice management of its staff and budgetary resources in line with the reforms put in place in the whole Organisation.

Recommendations
2255 to 2257



Recommendation 2255 (2023)¹

Provisional version

Health and social protection of undocumented workers or those in an irregular situation

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2504 \(2023\)](#) “Health and social protection of undocumented workers or those in an irregular situation” and underlines the responsibility of member States to prevent human rights violations against undocumented workers. The currently prevailing national policies and legislation tend to render this category of workers invisible, extremely fragile and exposed to exploitation or even trafficking in human beings, including for the purpose of forced labour.
2. The Assembly supports the ongoing national efforts and institutional mobilisation to strengthen socio-economic rights for all across Europe, notably through the work of the Committee of Ministers *Ad hoc* Working Party on improving the European Social Charter system (GT-CHARTÉ), the Rapporteur Group on Social and Health Questions (GR-SOC) and the European Committee of Social Rights. In this context, the Assembly stresses the need to remove the restriction of the personal scope of application of the European Social Charter (ETS No. 35) (that is, the exclusion of persons from countries that have not ratified it, and of those not lawfully resident or working regularly on the territory of the Party concerned) and suggests adding new provisions to the Charter on enhanced protection of workers in non-standard forms of employment.
3. To this end, the Assembly calls on the Committee of Ministers to insist that all member States sign, ratify and fully implement as many provisions of the European Social Charter and its protocols as possible, and expand the reach of existing rights under the Charter to all persons *de facto* living under their jurisdiction.
4. Considering the relevance of the European Convention on the Legal Status of Migrant Workers (ETS No. 93) with regard to the general conditions for entry and residence of migrant domestic workers and aiming to ensure treatment no less favourable than that afforded to nationals, the Assembly asks the Committee of Ministers to encourage among member States the greatest number of signatures to, and ratifications of, this Convention.
5. Drawing on the experiences during the Covid-19 pandemic, the Assembly further asks the Committee of Ministers to recommend to member States to extend the criteria for access to permanent regularisation mechanisms and/or consider putting in place targeted regularisation programmes which would offer greater protection of socio-economic rights of undocumented workers, to facilitate their access to justice, which is the cornerstone of respect for their rights, by setting up procedures to ensure the non-cross-checking of data in the various services, and to facilitate their access to a universal healthcare system.

1. *Assembly debate* on 21 June 2023 (17th sitting) (see [Doc. 15784](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Ada Marra; and [Doc. 15794](#), opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Arusyak Julhakyan). *Text adopted by the Assembly* on 21 June 2023 (17th sitting).





Recommendation 2256 (2023)¹

Provisional version

Ensuring free and safe access through the Lachin Corridor

Parliamentary Assembly

1. Referring to [Resolution 2508 \(2023\)](#) “Ensuring free and safe access through the Lachin Corridor” and recognising the Committee of Ministers’ role as the guarantor of the protection of human rights within the member States of the Council of Europe, the Parliamentary Assembly draws the Committee of Ministers’ attention to the humanitarian and human rights crisis affecting the Armenians living in Nagorno-Karabakh, following Azerbaijan’s unilateral actions at the Lachin corridor in contradiction with the ceasefire agreement signed on 9 November 2020 by President of the Republic of Azerbaijan Ilham Aliyev, Prime Minister of the Republic of Armenia Nikol Pashinyan and President of the Russian Federation Vladimir Putin, referred to as the Trilateral Statement.
2. Regretting that the Assembly Rapporteur was not invited to Azerbaijan and was thus unable to gather first-hand information on the spot, the Assembly requests that a Council of Europe fact-finding mission be organised to Azerbaijan as early as possible, with the aim of assessing the situation where Armenians live and have been affected by the absence of a free and safe access through the Lachin corridor since 12 December 2022.
3. Acknowledging the feeling of insecurity and threat experienced by the Armenian population living in Nagorno-Karabakh, the Assembly believes that the Council of Europe may play an important role in fostering trust and dialogue between its two member States, notably through confidence-building measures. It therefore encourages the Committee of Ministers to develop new activities within the existing action plans or through a *sui generis* co-operation instrument, which would aim, *inter alia*, to tackle hate speech, in particular unacceptable language and rhetoric employed by members of the Government of Azerbaijan in relation to members of the Armenian population, and to contribute to building a climate of tolerance and mutual respect.

1. *Assembly debate* on 22 June 2023 (18th sitting) (see [Doc. 15796](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Paul Gavan). *Text adopted by the Assembly* on 22 June 2023 (18th sitting).





Recommendation 2257 (2023)¹

Provisional version

Transnational repression as a growing threat to the rule of law and human rights

Parliamentary Assembly

1. Referring to its [Resolution 2509 \(2023\)](#) “Transnational repression as a growing threat to the rule of law and human rights”, the Parliamentary Assembly recommends that the Committee of Ministers:

1.1. review and update the Guidelines on “Eradicating impunity for serious human rights violations” adopted on 30 March 2011 at the 1110th meeting of the Minister’s Deputies, with a view to including transnational repression techniques;

1.2. consider drawing up a recommendation to member States on the fight against transnational repression, taking due account of international human rights law and in particular the case law of the European Court of Human Rights. Such a recommendation would include a definition of transnational repression that could be later adopted by member States and other Council of Europe bodies;

1.3. when supervising the execution of the European Court of Human Rights’ judgments featuring transnational repression, underline the requirement of individual accountability of perpetrators and call on the States concerned to adopt general measures to prevent these practices in future and provide guarantees of non-repetition.

1. *Assembly debate* on 23 June 2023 (19th sitting) (see [Doc. 15787](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Sir Christopher Chope). *Text adopted by the Assembly* on 23 June 2023 (19th sitting).



Resolutions
2499 to 2510



Resolution 2499 (2023)¹

Provisional version

Addressing the specific challenges faced by the Belarusians in exile

Parliamentary Assembly

1. The Parliamentary Assembly is deeply concerned by the fate of hundreds of thousands of Belarusians who are in exile because they had no other choice than to flee the repressive regime of Aliaksandr Lukashenka. If any doubts remained about the nature of the latter, the rigged presidential election of 9 August 2020 has shown its true character, turning Belarus into an open-air prison where human rights have been reduced to nothing.
2. The Assembly recalls [Resolution 2433 \(2022\)](#) “Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe” in which it expressed its resolve “to intensify its engagement with Belarusian ... civil society, human rights defenders, independent journalists, academia and democratic forces respecting the values and principles of the Organisation”.
3. The Assembly is impressed by the resilience, courage and determination of the Belarusians in exile who are fighting for democracy to prevail in their country. It is conscious that a new obstacle for them has emerged on 24 February 2022 with the large-scale aggression of the Russian Federation against Ukraine to which the Lukashenka regime actively participates. It regrets that the more time that passes since 9 August 2020, the day Lukashenka in reality lost the elections, the further away in time the return of the Belarusians who find themselves in exile becomes.
4. The Assembly can only be impressed by the work and initiatives of the Office of Sviatlana Tsikhanouskaya and the United Transitional Cabinet of Belarus, which aim at providing their compatriots with the services the regime deliberately withholds.
5. Recognising that the Belarusian people cannot be equated with the Lukashenka regime, the Assembly considers that Belarusians in exile should not be treated in a discriminatory manner because of the participation of that regime in the war against Ukraine.
6. The Assembly emphasises that while most of the Belarusians who have been forced to leave their country in the context of the 2020 presidential election have only one wish: to return to a democratic Belarus, it is important that their host countries do their utmost to ensure that they can stay legally and are welcomed in dignified conditions respectful of their fundamental rights, as guaranteed by the European Convention on Human Rights (ETS No. 5) and other relevant Council of Europe instruments, pending the establishment of a democratic regime in Belarus.
7. The Assembly deeply deplores that the Lukashenka regime is continuing to exercise pressure on those who have left the country, notably by refusing to provide consular services to its citizens and by threatening their security.
8. While many European countries have opened their borders to Belarusians, the Assembly notes that the closer those countries find themselves to Belarus, the greater is their understanding of the situation of those fleeing.

1. *Assembly debate* on 20 June 2023 (16th sitting) (see [Doc. 15783](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Paul Galles). *Text adopted by the Assembly* on 20 June 2023 (16th sitting).



9. Applauding Lithuania's and Poland's efforts to find legal and practical solutions to welcome the Belarusians in exile, the Assembly notes that more can be done.
10. Regretting that too many obstacles and hurdles continue to affect those who have found themselves in other countries, the Assembly is convinced that better knowledge of the situation in Belarus and political will are the prerequisites to adopting measures which will alleviate as much as possible the fact of being in exile.
11. It calls upon member States to recognise the unique situation in which the Belarusians in exile find themselves, requiring out of the box solutions to ensure that they can live their lives as unimpeded as possible pending their return to a democratic Belarus.
12. The Assembly hails the establishment by the Committee of Ministers of a Contact Group on co-operation between the Council of Europe and the Belarusian democratic forces and civil society. This *sui generis* co-operation model, the first established with the Belarus democratic forces by an international organisation, aims to provide the Organisation's support and expertise to strengthen Belarusian democratic society in line with Council of Europe core values. The Assembly is also delighted to welcome representatives of the Belarus democratic forces in the work of its committees by decision of the Bureau of the Assembly.
13. The Assembly strongly believes that it is high time to translate the political support that the democratic forces of Belarus enjoy among the member States into concrete actions and that measures taken against the Lukashenka regime should not affect the people fighting it.
14. The Assembly is convinced that in order to ensure full respect for human rights of the Belarusians while they are in exile and ultimately to contribute to the democratic transition in their country, the Council of Europe member States should put in place relatively simple and non-costly measures within their own jurisdiction for those persons.

Legal entry and stay

15. While respecting visa requirements and ensuring the necessary security checks, member States should seek to keep their borders open for those fleeing the Lukashenka regime by taking *inter alia* the following measures:
 - 15.1. issuing humanitarian visas in all embassies and consulates still operating in Minsk and expanding the eligibility criteria for such visas to relatives of political prisoners;
 - 15.2. opening up and guaranteeing the possibility of granting visas to EU countries in those member States where a visa is not required for Belarusian citizens, without requiring a residence permit in those countries;
 - 15.3. issuing multiple-entry Schengen visas for relatives of Belarusians in exile who come to visit them on a short-term and temporary basis;
 - 15.4. issuing longer duration multiple-entry visas to be used as a back-up option for those who are at risk of arrest in Belarus. The United Transitional Cabinet of Belarus shall bear the responsibility of identifying and recognising the individuals who are at risk of arrest in Belarus. The clearly defined criteria should be jointly developed by the Cabinet with partners from member States.
16. Member States should also facilitate expert-to-expert talks between their relevant migration authorities and the relevant representatives of the Belarus democratic forces in exile to solve problems as they arise in a pragmatic way.
17. Member States are encouraged to put in place measures to ensure transparency in the decision-making process where credentials are issued by non-governmental organisations to support the issuance of visas or the legalisation process.
18. Those member States which have yet not done so should rapidly develop legal instruments allowing for the legalisation of the stay of the Belarusians in exile.
19. Recognising the importance of psychological stability and the feeling of safety for those who left their home involuntarily or forcibly, the Assembly calls upon member States to provide long-term legalisation for the Belarusians in exile, thus avoiding unnecessary hurdles and stress.
20. In order to support the work of their relevant migration offices, member States are encouraged to prepare a Belarus country factsheet and provide training for their staff on the actual situation in this country, so as to enable them to take prompt and sound decisions on individual cases.

Freedom of movement

21. Member States are encouraged, in co-operation with the European Commission, to identify adequate solutions to allow Belarusians in exile to travel within the European Union, notably through systematising the use of foreigners' passport and/or continuing to recognise Belarus passports which have expired.

22. The Assembly also invites member States, again in close co-operation with the European Commission and the International Civil Aviation Organization (ICAO), to discuss with the relevant representatives of the Belarus democratic forces in exile the possibility to issue a passport for Belarus citizens in exile which would be recognised among member States.

Safety and security

23. Underlining that deprivation of nationality should not lead to statelessness and that even if Belarus is not a State party to the United Nations Statelessness conventions, these are principles of international law and human rights law, which should be observed by all States; recalling that Belarus has accepted Georgia's recommendation under the 3rd cycle of the United Nations' Universal Periodic Review; and noting that Belarus pledged to accede to both United Nations statelessness conventions at the High-Level Segment on Statelessness in 2019, the Assembly strongly encourages member States to do their utmost to recognise the importance of establishing statelessness determination procedures, which in turn would provide protection in host States to those rendered stateless.

24. As addressing a request to a Belarus consulate, such as for certification of a clean criminal record necessary for the legalisation process, or the prolongation of a passport, can lead to reprisals or threats against the applicants' relatives who stayed in Belarus or to the applicants themselves, member States are strongly encouraged not to require documents obtainable only through Belarus official channels.

25. Member States should abstain from extraditing Belarusian citizens in exile on the basis of Red Notices issued by Interpol at the request of the Lukashenka regime, given the use of criminal prosecutions for political purposes. If in doubt, they are encouraged to verify Interpol requests from Belarus through the Law and Order Restoration Office of the United Transitional Cabinet of Belarus, which includes former law enforcement officers staff dismissed for political reasons, thus possessing the necessary qualifications, experience, and access to databases.

26. The Assembly is concerned that information transferred by European banks to Belarus banks has been used by the Belarus Security Services to target human rights defenders in Belarus. The Assembly calls on member States to encourage the private sector to pay due heed to human rights issues in their operations and undertake the necessary due diligence to protect Belarusian human rights defenders who are their clients from risks of further persecutions as a result of their operations or information exchanges. Furthermore, member States should do their utmost to prevent the misuse of international criminal co-operation measures by the Lukashenka regime as an additional tool for repression.

27. More generally, member States should not deem Belarus to be a safe country. They are encouraged to send referral letters to the Prosecutor of the International Criminal Court expressing their concern for the situation in Belarus and asking him to respond to a Communication under Article 15(2) of the Rome Statute of the International Criminal Court entitled "The Situation in Belarus/Lithuania/Poland/Latvia and Ukraine: Crimes Against Humanity of Deportation and Persecution" filed by International Partnership for Human Rights, Norwegian Helsinki Committee, Global Diligence LPP and Truth Hounds on 19 May 2021.

Democratic forces in exile

28. Given the tremendous role that the People's Consulates can play, notably as communication channels with national authorities, the Assembly strongly believes that member States should establish working relationships with them, as representatives of democratic Belarus, and envisage supporting them through the provision of organisational, information and material assistance, with the aim of developing their competences and sustainability.

29. The Assembly strongly encourages the parliaments of those member States which have not yet done so, to establish a parliamentary friendship group to create a network to exchange on the best measures to support the Belarusians in exile. It is convinced that such a network would also facilitate the dialogue with the Belarus democratic forces in exile, including the Office of Sviatlana Tsikhanouskaya, the United Transition Cabinet of Belarus and the Coordination Council.

30. The Assembly also invites member States to provide funds for and contribute to the activities agreed in the framework of the Council of Europe Contact Group on Belarus, in particular taking advantage of the activities proposed by the Secretariat of the Assembly on “Strengthening political dialogue”.

Support to civil society

31. The Assembly is convinced that it is indispensable to create conditions to ensure the sustainability of Belarusian civil society organisations in exile, in particular by providing them with the tools and means to mobilise their compatriots in exile, to carry out their activities and to remain visible. This should be particularly the case for organisations aiming at developing and strengthening the Belarusian language and culture.

32. Underlining the role played by the Expert Council on NGO Law of the Conference of International Non-Governmental Organisations of the Council of Europe (Conference of INGOs) in supporting freedom of association in Europe, the Assembly strongly encourages member States to request its opinions on measures adversely affecting the operation of Belarusians NGOs in exile and to adopt policies accordingly.

33. It also encourages the constituent members of the Conference of INGOs to co-operate and assist Belarusian NGOs in exile.

Support to lawyers in exile

34. In the light of the repression faced by the legal profession in Belarus and the fact that many lawyers are in exile abroad, the Assembly calls for the recognition of the Belarusian Association of Human Rights Lawyers as the organisation entrusted with the promotion and protection of the human rights of lawyers deprived of the right to exercise their profession in Belarus, and with improving provision of legal assistance.

Access to education and culture

35. Recognising that children can be adversely affected by the forced exile of their parents, the Assembly encourages their prompt integration in the host country while strengthening their national identity and culture. When integrating recently arrived Belarusian children in ordinary classes, the Assembly recalls the pertinence of the language education and linguistic integration tools for children developed by the Council of Europe. At the same time, it also supports the creation of classes in Belarusian in schools where there are sufficient Belarusian children, open not only to members of the Belarusian national minority but also to those who have recently arrived.

36. The Assembly, impressed by the renaissance of the interest for Belarusian language and culture, strongly supports the initiatives by civil society organisations to preserve and strengthen these among the members of long-lasting diaspora and the more recent arrivals. It therefore strongly encourages member States to facilitate the creation of publishing houses in Belarusian, the teaching of Belarusian language and culture in universities, the development of new tools supporting the dissemination of Belarusian language and culture among those in exile but also within Belarus. It believes that it is crucial for Belarusian statehood that its culture and language find again their rightful place.

37. The Assembly, aware that academic freedom has been under attack for some years in Belarus, would welcome the creation of a scientific journal for liberal-minded scholars both in exile and in Belarus to be included in influential citation databases, such as Scopus, Web of Science or Google Scholar.

38. Recognising the role played by the European Humanities University, the only Belarusian university able to operate on the basis of academic freedom and adherence to European values, in exile in Vilnius since 2005, the Assembly invites member States, as well as the European Union, to further support this institution and open up further opportunities so that it continues to develop creative, free and critical thinking among Belarusian students and is in a position to attract scholars and students from Eastern Partnership countries.

39. Understanding the importance of terminology and adequate transliteration from Belarusian, the Assembly strongly encourages member States to correctly transliterate all terms relating to Belarus.

Access to financial services and the pursuit of economic activities

40. Recognising the difficulties faced by individuals, businesses and civil society organisations to open a bank account in some member States, the Assembly asks the member States to encourage their banks to make the distinction between the Lukashenka regime and the people who have fled it, in particular by allowing the “Know Your Customer” procedure due diligence to be carried out by appropriate and relevant structures designated by the Belarus democratic forces in exile.

41. The Assembly encourages the Government of Ukraine to co-operate with the Belarusian democratic forces in exile, particularly with the United Transitional Cabinet of Belarus, to conduct detailed checks, and in the case of a positive outcome of such checks with regard to the national security of Ukraine, to proceed with deblocking of the remaining 50 bank accounts that are currently inaccessible by their owners.

42. The Assembly welcomes the fact that many businesses were able to relocate from Belarus in particular to Georgia, Lithuania and Poland, but notes that difficulties persist. The Assembly encourages measures to be taken which will ease processes of transfer, accreditation, acquisition, access to credit, to audit services etc. In this context, it believes that the Poland Business Harbour could serve as a promising practice to be emulated by other member States. Ultimately, the Assembly trusts that these businesses, be it in the IT, retail, logistics, small services or construction sectors, if allowed to operate and pay tax, will contribute to the economy of their host countries and alleviate the efforts made by them to welcome the Belarusians who found shelter from repression and violence.



Resolution 2500 (2023)¹
Provisional version

Public health emergency: the need for a holistic approach to multilateralism and health care

Parliamentary Assembly

1. Long before the outbreak of Covid-19, scientists and public health experts had warned that threats from infectious diseases would represent one of the primary international health challenges of our times. Unfortunately, the Covid-19 pandemic hit a largely-unprepared world and revealed widespread lack of compliance with the International Health Regulations by States. This has resulted in millions of deaths, a high disease burden, and severe disruption of the lives of billions of people across all regions of the world, as well as a major setback to the United Nations Sustainable Development Goals.
2. It is believed that the world has entered a new pandemic era, where Covid-19 is seen only as a forerunner of more – and possibly worse – public health emergencies to come. New public health emergencies linked to the climate crisis, coupled with dwindling biodiversity and the consequences of the armed conflicts, are waiting to unfold, and will likely hit the world unexpectedly. It is thus urgent that States learn the lessons from previous health emergencies by strengthening the global health architecture and developing necessary strategies at national levels, in order to react swiftly to emerging global health risks.
3. The Parliamentary Assembly considers that a holistic multilateral effort is needed, bringing together the World Health Organization (WHO), the World Trade Organization (WTO), and others in a multi-stakeholder dialogue to revisit the rules governing the health-care industry in the provision of essential medicines, vaccines, and health-care services at national and international levels, including a diversification of medical supply sources. These rules should ensure that both the public and the private sectors in health care anchor their operations in human rights, notably the right to health, and guarantee equitable access to treatments and vaccinations of appropriate quality for all as public goods.
4. The Assembly welcomes the processes taking place at the international level to transform global health governance, including to ensure sustainable financing of WHO, to reform the 2005 International Health Regulations, and to draft a legally binding instrument on pandemic preparedness, prevention, and response. Moreover, the Assembly supports the reform of international trade agreements to correct and to prevent inequities in accessing public goods critical to preventing and controlling public health emergencies, contributing towards a safe, clean, healthy, and sustainable environment.
5. The Assembly strongly believes that the processes taking place to transform global health governance must build on the principle of equity and should explicitly refer to the relevant obligations of States to protect human rights and fundamental freedoms during public health emergencies. In this regard, the Assembly supports calls from United Nations experts that the new instrument on pandemic preparedness should draw on Article 12 of the International Covenant on Economic, Social and Cultural Rights, and on Article 4 of the International Covenant on Civil and Political Rights. It must be recognised that the right to health is indivisible from all other rights, and as such the new instrument must also impose clear obligations on States to protect

1. *Assembly debate* on 20 June 2023 (16th sitting) (see [Doc. 15778](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Selin Sayek Böke). *Text adopted by the Assembly* on 20 June 2023 (16th sitting).



the full range of human rights, especially economic, social, and environmental rights, such as the right to housing, to social protection, to adequate nutrition, and to a safe, clean, healthy, and sustainable environment, which are essential to the enjoyment of the right to health.

6. The Assembly welcomes the participation of parliamentarians in the drafting process of this instrument but regrets that it has not included genuine and meaningful participation by marginalised groups, civil society and non-governmental organisations working to promote public health and human rights, and urges WHO member States to reconsider this process, so as to enable transparent and accessible opportunities for all relevant stakeholders to contribute to the development of this crucial new instrument.

7. Public health authorities must implement timely and appropriate measures to curb the effects of public health emergencies, now and in the future. Member States are invited to draw inspiration from the toolkit issued by the Secretary General of the Council of Europe, on respecting human rights, democracy and the rule of law during the Covid-19 crisis, as well as the relevant resolutions and recommendations adopted by Assembly, in particular [Resolution 2329 \(2020\) “Lessons for the future from an effective and rights-based response to the Covid-19 pandemic”](#), [Resolution 2337 \(2020\) “Democracies facing the Covid-19 pandemic”](#) and [Resolution 2424 \(2022\) “Beating Covid-19 with public health measures”](#).

8. The Assembly regrets that the current system of global health security is not fit for purpose. It is too fragmented, overly dependent on discretionary bilateral aid, and dangerously underfunded. The Assembly thus believes this critical moment provides an opportunity to combat not just emerging threats, the Covid-19 pandemic, and the devastating effects it has had on the global economy, but also pre-existing fault-lines and inequities, including in access to health care, which have been brought to light by the pandemic. It urges governments to embrace the “One Health” approach, which embraces the interactions between animals, humans and the environment, and which contributes to health and protects against disease.

9. The Assembly thus calls on governments in Council of Europe member States and worldwide, to:

9.1. with respect to ongoing processes at WHO:

9.1.1. commit to ensuring sustainable financing of WHO and make it independent of voluntary contributions so it can fulfil its essential functions;

9.1.2. actively participate in the World Health Assembly with a view to ensuring good governance of the WHO;

9.1.3. ensure inclusive decision making and full and equal participation of developing countries in the negotiating processes of the International Health Regulations and the Intergovernmental Negotiating Body to draft and negotiate a convention, agreement, or other international instrument on pandemic prevention, preparedness and response (“WHO CA+”);

9.1.4. ensure that the aforementioned WHO CA+ is developed through a transparent and meaningfully consultative process, involving, and taking into account the proposals of, civil society, non governmental organisations and human rights organisations, and define an active role for parliamentarians to oversee the transparency and effectiveness of the much needed consultative processes;

9.1.5. mainstream human rights in potential amendments to the International Health Regulations and in the drafting process of WHO CA+, and ensure in particular that such instruments are in line with the Principles and Guidelines on Human Rights and Public Health Emergencies (PHE Principles);

9.1.6. recognise that human rights are indivisible and impose clear obligations to protect human rights in the prevention of, during, and in the aftermath of public health emergencies, in line with the PHE Principles, paying particular attention to social, economic and environmental rights, such as the right to housing, social protection, adequate nutrition, and a safe, clean, healthy and sustainable environment, which are essential to the enjoyment of the right to health;

9.1.7. impose clear obligations on States to regulate, monitor and protect against abuses by non-state actors and companies operating within their jurisdiction and transnationally;

9.1.8. prohibit the undermining of other nations’ access to health goods, facilities, services and technologies, including through stockpiling of scarce resources and entering into bilateral agreements by outbidding other nations;

- 9.1.9. commit to supporting a “One Health” approach, which embraces the interactions between animals, humans and the environment, and which contributes to health and protects against disease, including through enhanced collaboration of the WHO with other relevant international organisations;
- 9.1.10. facilitate timely access to scientific knowledge and information to all stakeholders, including an open data-sharing and benefit-sharing system for epidemiological, genomic, clinical and anthropological evidence, from academia to the front line, as recommended in [Resolution 2114 \(2016\)](#) “The handling of international public-health emergencies”;
- 9.2. with respect to the WTO and international trade:
- 9.2.1. interpret the Doha Declaration in the context of international legal obligations to ensure access to public goods, including medicines, diagnostics, treatments and technologies, and recognise the need to limit intellectual property rights in public health emergencies;
- 9.2.2. make full use of the Trade-related Aspects of Intellectual Property Rights (TRIPS) flexibilities whenever possible to ensure equitable access to public goods;
- 9.2.3. commit to keeping supply chains open during public health emergencies;
- 9.2.4. initiate a process of reform of international trade agreements, with the aim of correcting and preventing inequities in accessing health goods, facilities, services and technologies critical to preventing, preparing for, responding to, and recovering from public health emergencies;
- 9.3. with respect to building stronger and more resilient health systems and responding to public health emergencies at national levels:
- 9.3.1. invest in primary health care and scale up the health workforce, ensuring decent pay and working conditions;
- 9.3.2. develop human-rights compliant strategies to prevent and handle major public-health hazards, including early detection, accurate data collection, availability of diagnostic and treatment tools, and real-time continuous monitoring to improve results in accordance with international recommendations;
- 9.3.3. provide universal health coverage to everyone within their territory, regardless of legal status, nationality, ethnicity, religion, gender, sexual orientation, disability, including mental disability, health status, socio-economic background, or any other relevant status;
- 9.3.4. develop national prioritisation strategies to ensure equitable allocation of goods, such as vaccines, medicines and protective equipment, in situations of scarce resources. In doing so, member States should be guided by 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), and are invited to consult [Recommendation CM/Rec\(2023\)1 of the Committee of Ministers of the Council of Europe on “Equitable access to medicinal products and medical equipment in a situation of shortage”](#), [Resolution 2361 \(2021\) “Covid-19 vaccines: ethical, legal and practical considerations”](#) and the statement adopted by the Committee on Bioethics (DH-BIO) entitled “Covid-19 and vaccines: ensuring equitable access to vaccination during the current and future pandemics”;
- 9.3.5. identify vulnerabilities in medical supply chains and develop strategies for strengthening and diversifying supply sources, taking into consideration the recommendations set out in [Resolution 2474 \(2022\) “Securing safe medical supply chains”](#);
- 9.3.6. enhance public investment in research and development and share results of publicly financed research between countries;
- 9.3.7. identify vulnerabilities in medical supply chains and strengthen manufacturing capacities and competence to produce in accordance with standards of Good Manufacturing Practice;
- 9.3.8. develop and maintain strong, efficient, transparent and sustainable regulatory systems for the evaluation and control of medicines throughout their lifecycle, and promote reliance on recognised global expertise to harmonise and streamline the different steps of the process – from regulatory evaluation and approval, to batch acceptance;

- 9.3.9. promote community engagement and mobilisation as essential elements of any action plan to deal with public health emergencies;
- 9.3.10. build up health literacy amongst all population groups and work with trusted non-governmental organisations and/or local initiatives to reach out to marginalised groups;
- 9.3.11. regulate activities of non-state actors and companies within their jurisdiction, in line with the United Nations Guiding Principles on Business and Human Rights, [Recommendation CM/Rec\(2016\)3 of the Committee of Ministers of the Council of Europe \(2016\) on “Business and human rights”](#) and Principle 5 of the PHE Principles on human rights duties of States relating to non-state actors;
- 9.3.12. in the event of a public health emergency, carefully design and implement public health measures that would mitigate transmission, and ensure they are compatible with human rights, taking into account the recommendations in [Resolution 2424 \(2022\) “Beating Covid-19 with public health measures”](#);
- 9.3.13. continuously review public health measures put in place to ensure they are human-rights compliant, relevant, proportionate, evidence-based and effective at all times, and enable parliamentary and judicial oversight;
- 9.3.14. recognise the need to reach zero carbon emissions and to accelerate the transition to clean renewable sources of energy as a public health priority and take measures at national and multilateral levels to reach these goals.

10. The Assembly recalls the critical role parliaments play in moving the global public health agenda forward by enacting legislation, approving budgets, mobilising resources, and providing democratic oversight. It calls on national parliaments to continue to play a key role in transforming global health governance, including through parliamentary representation at multi-stakeholder events leading up to the United Nations High Level Meeting on Pandemic Prevention, Preparedness and Response in September 2023 and open meetings of the Intergovernmental Negotiating Body to draft and negotiate a WHO CA+.

11. The Covid-19 pandemic exposed gross inequities in access to essential public goods, including medicines, vaccines, and personal protective equipment. It revealed that the global health is only as strong as its weakest link. The Assembly thus calls on all stakeholders, in particular the European Union and the United States of America, to support the proposals by developing countries to ensure equitable access to health products, technologies and know-how, the strengthening of health systems and an access and benefit sharing mechanism for genetic material.



Resolution 2501 (2023)¹

Provisional version

Expenditure of the Parliamentary Assembly for the biennium 2024-2025

Parliamentary Assembly

1. In accordance with Committee of Ministers Resolution (53) 38 on the budgetary system of the Consultative Assembly and in line with Article 20 of the Financial Regulations, the Parliamentary Assembly issues an opinion on its expenditure on a bi-annual basis. The sums allocated to the Assembly from the ordinary budget of the Council of Europe cover staff and operating costs, including those of the political groups. Since 2010, the Assembly has presented its opinion concerning its own expenses in the form of a resolution. The present resolution has been drafted within the framework of the 2024-2027 programme and quadrennial budget cycle and covers the Assembly priorities and expenditure needs during the period 2024-2025.
2. The 24 February 2022 war of aggression of the Russian Federation against Ukraine led to the expulsion of the Russian Federation from the Council of Europe on the grounds of serious violation of the Organisation's Statute (ETS No. 1). This has had an impact on the activities of the Council of Europe, including the Assembly.
3. In terms of budgetary consequences, the expulsion of a major contributor member State required the remaining 46 member States to fill the gap in the 2022-2023 budget, as well as to reallocate available funding to priority activities, in particular in support of Ukraine, including within the framework of the Action Plan "Resilience, Recovery and Reconstruction" 2023-2026.
4. In terms of political consequences, the 4th Summit of Heads of State and Government of the Council of Europe highlighted in the Reykjavik Declaration and its Appendices the readjusted political direction and priorities for the Council of Europe's work. The Assembly expressed support to these in [Opinion 301 \(2023\)](#) "Budget and priorities of the Council of Europe for the period 2024-2027".
5. Building upon the outcomes of the 4th Summit, during the 2024-2025 biennium, the Assembly will continue to play its role of the largest European multilateral political parliamentary platform for debating current challenges and emerging issues regarding human rights, democracy and the rule of law. These values and principles are facing challenges on the European continent and beyond, not least in relation with the war of aggression of the Russian Federation against Ukraine. The Assembly will continue to provide support to Ukraine, including through interparliamentary co-operation, and to address the political, legal and human rights consequences of the war, as well as to secure accountability.
6. Moreover, the Assembly will focus on parliamentary co-operation and provision of support to member States and their parliaments in delivering on a number of key priorities identified in the Reykjavik Declaration. Notably, its priorities will include the support to the implementation of judgments of the European Court on Human Rights, securing accountability and preventing impunity for the crime of aggression and war crimes, crimes against humanity and grave human rights violations committed during the Russian Federation's war against Ukraine, counteracting democratic backsliding and providing early warning and rapid reaction, as well

1. *Assembly debate* on 21 June 2023 (17th sitting) (see [Doc. 15781](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Ingjerd Schou). *Text adopted by the Assembly* on 21 June 2023 (17th sitting).



as addressing the new generation of rights, including regarding the environment and the use of artificial intelligence and emerging digital technologies. The Assembly's specific contribution to delivering the 4th Summit's agenda is outlined in the Appendix to the present draft resolution.

7. Furthermore, during the 2024-2025 biennium, the Assembly will continue to promote the ratification and domestic implementation of Council of Europe key legal instruments by Council of Europe member States and within the Organisation's neighbourhood and political proximity. Notably, it will contribute to the implementation of the United Nations Sustainable Development Goals through parliamentary involvement and co-operation.

8. Fulfilling its statutory role, the Assembly will ensure election of judges to the European Court of Human Rights and of Council of Europe high officials in accordance with the election schedule, as well as look into the membership application transmitted by the Committee of Ministers.

9. The Assembly's contribution to the implementation of the 4th Summit's outcomes as well as provision of enhanced support to Council of Europe member States, in particular Ukraine, in addressing the consequences of the ongoing war, would require structural reinforcement of the Assembly's Secretariat, as described in the Appendix to the present draft resolution. The Assembly expects due consideration to be given to these proposals.

10. At the same time, during the 2024-2025 period, the Assembly will continue its modernisation efforts, with a view to *inter alia* simplifying and improving accessibility of its working tools as well as optimising expenditure regarding in particular document production and printing, with the aim of transitioning to a full "paper-less" operation, thus reducing the carbon footprint of the Assembly and contributing to the Organisation's overall environmental effort.

11. Similarly, the Assembly welcomes the launch, in February 2023, of the long-awaited renovation of the Assembly Chamber, scheduled to be completed in 2024. The renovation works are expected to modernise the Chamber's equipment (including IT, multimedia and voting systems) as well as upgrade it to modern safety, security and accessibility standards. The Assembly looks forward to the timely completion of the works.

12. During 2024-2025, the Assembly budget should continue to contribute to the viability of the functioning of political groups. The political groups are facing an increased financial pressure, especially relating to growing staff costs due to inflation as well as increase in travel costs. This affects the entire Organisation, not least because of the current economic situation and the ongoing Russian war of aggression against Ukraine. While the Assembly shall continue to cover the interpretation costs of the political groups' statutory meetings during part-sessions, it believes that it would be timely and appropriate to increase the overall allocations to the groups, so as to give them more flexibility to organise their activities.

13. Lastly, the Assembly reiterates its view that the sustainability of the Council of Europe's activities, as well as the full and effective implementation of the outcomes of the 4th Summit of Council of Europe Heads of State and Government requires strengthening the Council of Europe's financial basis. It believes that member States' financial effort towards the Organisation should match their political ambition, as expressed in the Reykjavik Declaration. In this context, the Assembly shall work closely with the Committee of Ministers and the Secretary General to achieving this goal, relying on the support of the parliaments of the Council of Europe 46 member States.

Appendix – Expenditure needs of the Parliamentary Assembly

1. Staff expenditure

1. The budget of the Parliamentary Assembly covers basic salaries, allowances (both non-recurrent and periodical) and social insurance for staff of the secretariat of the Assembly. The information given is based on the present structure of the Assembly composed of nine committees.
2. The entry into force, on 1 January 2023, of the new Staff regulations of the Council of Europe has given the possibility to stabilise jobs for staff currently employed on short-term, precarious, contracts, thus optimising the Assembly's structures and staff resources. Ongoing processes of selection and appointment of staff will be finalised on 1 July 2023.
3. Thus, on 1 July 2023, the Assembly Secretariat will count 84 posts (including 3 A-grade national secondments) as well as 1 specially appointed official (Secretary General of the Parliamentary Assembly). Overall, there will be 49 A-grade jobs and 35 B-grade jobs.
4. The Secretariat is organised around two Directorates, respectively responsible for Democracy and the Rule Law (Directorate 1) and Human Dignity and Sustainable Development (Directorate 2), the Table Office, Information Technologies and Events Department, as well as the Administration and Central Services Department.
5. Directorate 1 provides secretariat services to 5 general committees and the Election observation Division. Directorate 2 incorporates secretariats of 4 general committees and the Inter-parliamentary co-operation Division.
6. The President's Private Office, the Secretary General's Office (also providing secretariat services to the Bureau of the Assembly and the Joint Committee) as well as the Communication Division are directly subordinated to the Secretary General of the Assembly.
7. The existing structures and staff composition allow the Assembly Secretariat to provide required services to its bodies and members as well as to carry out its regular activities. However, the implementation of additional priorities relating to, *inter alia*, addressing the consequences of the Russian Federation's war of aggression against Ukraine, delivering the outcomes of the 4th Summit, as well as fulfilling the Assembly's statutory responsibilities (namely consideration of a membership application transmitted by the Committee of Ministers), would require structural reinforcements. Indeed, 3 jobs of committee secretaries (A2/A3 level) and 1 job of committee assistant (B1/B2 level) would be required. These additional staff resources would be assigned flexibly to priority sectors through a horizontal "task-force" approach in line with the People Strategy.

2. Operational expenditure

8. Thanks to the modernisation efforts, the Assembly has made savings in recent years by rationalising its work to reduce operational expenditure, notably by putting in place remote preparation of verbatim records and by introducing digital tools (Pace-Apps) with the aim of transitioning to a full "paper-less" operation.
9. That being said, the Secretariat is facing increasing operational costs, notably relating to travel and accommodation of parliamentarians and staff traveling on Assembly business, as well as increased use of interpretation services during the growing number of members' fact-finding visits. Moreover, additional priorities relating to the 4th Summit's deliverables as well as the activities relating to the consequences of the war of aggression of the Russian Federation against Ukraine would increase the Assembly's operational expenditure.
10. In this context, a zero real growth budgetary perspective is only the minimum requirement for the Assembly's financial stability and viability. An increase of the Assembly's overall budgetary envelope for operational activities would be required in order to ensure the sustainability of the Assembly's activities.
11. The functioning of the Assembly includes the following tasks:
 - the holding of the ordinary session, divided into four part-sessions (held in January, April, June and September/October each year);
 - the meetings of the Standing Committee, held three times a year between the part-sessions of the Assembly;
 - meetings held outside the four part-sessions of the Assembly by each of the nine general committees, sub-committees and *ad hoc* committees of the Assembly or the Bureau;

- committee and sub-committee meetings held elsewhere than in Strasbourg or Paris;
- conferences, symposiums, seminars and parliamentary hearings;
- activities connected with the Assembly's interparliamentary co-operation programme;
- visits by rapporteurs to prepare reports, including visits to countries under the monitoring procedure or for post-monitoring dialogue;
- election observation;
- modernisation and digitalisation of the Assembly's working methods.

12. Within the framework of its work programme, during 2024-2025, the Assembly will prioritise the following activities:

- supporting Ukraine's resilience against the Russian Federation's war of aggression, strengthening co-operation with the Verkhovna Rada and raising awareness on the consequences of the war amongst national parliaments;
- ensuring accountability of the Russian Federation and addressing the legal, human rights and humanitarian consequences of the war of aggression against Ukraine, including the issue of forcibly deported Ukrainian children to the Russian Federation or temporarily occupied Ukrainian territories;
- contributing to delivering the outcomes of the 4th Summit, notably:
 - upholding democracy and counteracting backsliding, including by promoting the implementation of the Reykjavik Principles of Democracy, fostering the participation of young people in democratic processes, and mainstreaming the youth dimension in its work;
 - ensuring parliamentary contribution to the implementation of judgments of the European Court of Human Rights and continuing parliamentary efforts to promote ratification and domestic implementation of Council of Europe key conventions, within the Council of Europe geographic area as well as the Organisation's neighbourhood and political proximity;
 - fostering exchange of good practices and developing legal standards and policy guidelines on the right to a safe, clean, healthy and sustainable environment;
 - raising awareness amongst national legislators and informing national policies on the impact of new technologies, especially artificial intelligence, on human rights and the integrity of democratic processes;
 - combating inequalities and discrimination, as well as further enhancing equality between women and men and promoting women's empowerment;
 - strengthening co-operation with the European parliament, including in the context of the European Union enlargement process, as well as continuing active interaction with international partner organisations, in particular the United Nations Organisation, including regarding the implementation of the Sustainable Development Goals;
 - continuing and further strengthening dialogue with democratic forces and civil society from Belarus and Russian Federation, who respect the values and principles of the Organisation, including the territorial integrity of sovereign member States.

13. Where interparliamentary co-operation is concerned, the Assembly will continue to implement the different assistance and co-operation programmes adapted to the needs of the parliamentary institutions, in close collaboration with its committee secretariats. It is worth noting here that it is currently engaged in a joint co-operation programme with the European Union specifically concerning the Parliament of Morocco (an Assembly partner for democracy), whose aim is to strengthen its role as a guarantor of parliamentary democracy.

14. During the 2024-2025 period, the Assembly will continue the implementation of its ongoing co-operation projects, notably with the aim of further integrating the parliamentary dimension into the overall co-operation activities of the Council of Europe, including within thematic and horizontal actions plans. Priority projects will focus *inter alia* on strengthening relations and co-operation with the Ukrainian Parliament, strengthening political dialogue with democratic forces from Belarus, supporting parliamentary networks on "Women Free from Violence", "Contact Parliamentarians for a healthy environment", "No Hate Parliamentary Alliance", and the parliamentary platform for the rights of LGBTI People in Europe, as well as the rights of the child and social rights.

15. The Assembly will continue to observe parliamentary and presidential elections in countries under its monitoring procedure, in close collaboration with the European Commission for Democracy through Law (Venice Commission) as well as the Assembly's international partners (Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), OSCE Parliamentary Assembly, Parliamentary Assembly of the North Atlantic Treaty Organization (NATO) and the European Parliament) within the framework of International Election Observation Missions.

16. Lastly, the Assembly will continue to support its political groups through their budgetary allowance, calculated on a lump-sum basis for each group for administrative assistance plus an additional per capita allowance which varies depending on the membership of the group. In the face of increasing costs notably due to inflation and growing travel costs, the Assembly should consider increasing the overall allocation to political groups within its budget, so as to give political groups more flexibility to organise activities.



Resolution 2502 (2023)¹

Provisional version

Integration of migrants and refugees: benefits for all parties involved

Parliamentary Assembly

1. The Parliamentary Assembly is alarmed by the fact that migration into Europe in the last decade triggered numerous negative reactions, fuelled by a public discourse inducing fear and resentment towards people arriving from other countries. The term “integration” identifies a dynamic process of mutual adaptation where both migrants and host societies bear some responsibilities in its fulfilment. Integration is a long-term investment in human capital. The ultimate aim is inclusion or an inclusive participation from both sides, which implies that all members of the society have the opportunity to participate in social, cultural and political life, encouraging a sense of togetherness.

2. The process of integration may demand special enabling measures to develop the ability of immigrants to achieve the same social and economic outcomes as natives, taking into account their characteristics. The Assembly notes that host countries benefit from the successful integration of migrants and refugees. Successful integration benefits the whole society, maximising the advantages for all parties involved in that process. Although the State has to invest money in integration, when the migrants arrive and a few years after, their macro-economic impact becomes positive as they become permanent residents, are integrated in the labour market and pay taxes. Migrants and refugees boost the working-age population, arrive with skills, and therefore contribute to human capital development and to technological progress. Furthermore, local communities can benefit greatly from the richness offered by the diversity of cultures, commitment to work hard to build a future for oneself and one’s family, and the new social contract that clarifies the rights and responsibilities of all actors in society.

3. Integration programmes can have positive outcomes only if, and when, they are well prepared and implemented in co-operation with all the relevant stakeholders. To improve the benefits for all the parties involved in the process of refugees’ and migrants’ integration, integration policies should be designed in a way that takes into account the needs of all key actors. This means that democratic processes allowing for consultations of relevant stakeholders should take place. In addition to that, States should pursue an evidence-based approach to inclusion planning, through expanding the collection and analysis of socio-economic data, building upon existing tools and programmes by national and sub-national authorities. Through this they will obtain a detailed overview on refugees’ and migrants’ profiles and practical, legal and administrative barriers impeding the full enjoyment of their economic and social rights.

4. It is important to engage in effective consultations with stakeholders in national judicial, legislative and human rights bodies, academia and civil society actors, including migrants’ organisations, in the development, adoption, implementation and review of integration measures. The experiences of migrants and refugees should be taken into account in devising future integration policies and programmes. Civil society and non-governmental organisations play a crucial role in the integration of migrants and refugees. A long-term and independent funding of civil society organisations is, therefore, particularly important for successful integration of migrants and refugees.

1. *Assembly debate* on 21 June 2023 (17th sitting) (see [Doc. 15785](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Domagoj Hajduković). *Text adopted by the Assembly* on 21 June 2023 (17th sitting).



5. The Assembly calls upon the Council of Europe member States to take positive measures to enhance the integration of migrants and refugees aiming at their full inclusion in the host society. Integration can be put in practice using a great variety of methods. The exchange of best practices at local, national and European levels needs to be supported. The following approaches can be promoted:

5.1. *Establish a new social contract*: public authorities, when confronted with major changes in society, are often prompted to make significant changes. Such changes may need to be better prepared. Integration of migrants and refugees may benefit from a new social contract which sets out rights and responsibilities of all parties involved in refugees' and migrants' integration. Acceptance of such a new social contract depends on democratic processes in place that build social support. Highlighting the rights and responsibilities for the newly arrived groups of populations allows to clarify things from the start and build trust and respectful co-operation between local communities and the beneficiaries of resettlement programmes. As regards the integration of refugees, member States should base their actions on the goals stipulated in the United Nations global compacts for migrants and refugees, as underscored in Resolution 2379 (2021) "Role of parliaments in implementing the United Nations global compacts for migrants and refugees" and Resolution 2408 (2021) "70th anniversary of the 1951 Refugee Convention: the Council of Europe and the international protection of refugees".

5.2. *Support mentor programmes and integration guides*: one solution that proved to improve the integration of migrants are mentor programmes with the participation of so-called "integration guides". Through these programmes, local mentors accompany and support migrants and refugees when they first arrive in the host countries, support them in their cultural and social orientation, practice the language of the host country with them, and support them with personal relationships and networking in the new community. It is important to raise employers' awareness of the refugees' and migrants' potential, which can be done through the networks of chambers of commerce. Public-private partnerships should be developed to support integration.

5.3. *Develop nationwide interpretation services*: another crucial factor for the successful integration of migrants and refugees is the availability of interpretation services during the entire integration process. The possibility to understand and actively participate is especially important in the fields of health, justice, asylum and issues in the municipalities.

5.4. *Enhance education – from language training to democratic citizenship and human rights education*: Language training is crucial for being able to live in a new country, including for getting access to employment. The better the training, the higher the likelihood that the person will become less dependent on support services and more autonomous in his/her daily life. Language training should take into account and caters for different education levels, fluency levels, time commitments (accelerated or reduced hours), modalities (in person or remote) and care responsibilities. In addition, specific programmes designed to educate about societal developments in the host country, including programmes promoting democratic citizenship and human rights education, would benefit both the newly arrived persons and host communities.

5.5. *Improve recognition of skills obtained abroad*: to ensure a successful integration into the labour market and to enable migrants and refugees to participate, subsequently, in social security and pension systems, the recognition of qualifications and prior learning is of fundamental importance. Whether partial or full, recognition opens up further education or employment opportunities and allows refugees and migrants to make more efficient use of their knowledge, skills and competences. In that regard, member States should promote the implementation of the European Qualifications Passport for Refugees, an international project grounded in the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (CETS No. 165, the "Lisbon Convention"). The Passport can improve access to employment or give the possibility to continue education, helping refugees integrate in the host societies.

5.6. *Take into consideration the special needs of vulnerable groups*: vulnerable groups like women, (unaccompanied) children, elderly people, people with disabilities, members of the LGBTIQ+ community, stateless persons and others need specific support in order to successfully integrate into the host country. Increasing the possibility for migrant children to attend kindergartens and other day-care facilities would allow women to continue education and have access to employment. Involvement of healthcare professionals with a migrant background in elderly homes and communal living can help improve the integration of elderly migrants and refugees into the society and allow them to age in dignity. Empowering refugees and asylum seekers with disabilities and/or long-term illnesses would give them the tools they need to assert their human rights.

5.7. *Create spaces to bring migrants, refugees, and the local community together:* states should do their utmost to avoid building new retention camps. This is contrary to the goal of integration and full inclusion of refugees and migrants in their host country. Even without camps, segregation of refugees and migrants in certain urban areas is detrimental to societal progress. Supporting the refugees' and migrants' diaspora to meet and share their experiences and form mutual support networks can be beneficial short-term in terms of local job opportunities, resilience, and social networks, but it can become problematic, as it prevents certain groups of people from accessing the opportunities and services that would allow them to fully participate in economic and social development of the host country. It is essential for successful integration to create spaces in the public sphere that bring the local community, migrants, and refugees together. This allows to reduce tensions and strengthen social cohesion, building bridges between various groups in society.

5.8. *Improve financial settings:* there is a need for a person-centred approach to integration support and adaptation of national services to take into account specific needs and circumstances. Refugees and migrants require housing as well as support for other fundamental necessities, such as health care, and access to education for their children. Significant upfront investments are needed to cover the costs of both immediate assistance for asylum seekers and education. Funding therefore is an important tool for managing integration processes in a country and works as a strong leverage for co-ordination in this area. More efficient and effective funding mechanisms should be designed and implemented based on dialogue between policy makers and the local authorities and actors in charge of finding solutions (mayors, municipal authorities, local civil society organisations, and service providers). Refugees' and migrants' financial inclusion should also be strengthened, including access to basic services such as bank accounts, through awareness-raising and information provision, as well as support to refugee and migrant entrepreneurs through effective access to finance and business development services.

5.9. *Develop targeted housing policies:* an affordable and decent accommodation is a prerequisite for a successful integration of migrants, a smooth access to the job market as well as to basic services, such as healthcare and education. In addition, there is a need for targeted settlement policies, aiming to distribute the migrant population in a fair and balanced way on the national territory, facilitate the connection between the newly arrived and the local population, prevent the development of ghettos or parallel societies thus reducing the likelihood for migrants to be involved in illegal activities.

5.10. *Invest in social cohesion:* Social Impact Bonds are a possible solution for efficient funding. They offer funding to solve societal issues and support preventative measures and connect financial success with achieving quantified social outcomes. Partnerships can be built between private investors, the government, and civil society organisations.

5.11. *Match migrant skills with job opportunities:* access to the labour market is key to integration and refugees' and migrants' economic contribution to the host nation. Integration policies should ideally take into account the unique profiles of immigrants and their chances of integrating into local communities. Newly arrived migrants can be advised of job opportunities in meetings with the state employment office after receiving their residence permit, where their placements are governed by agreements between municipalities and the central government.

5.12. *Develop effective communication strategies:* the public's impression of immigrants' actual outcomes may not match the facts. Integration policies must have a communication component that encourages a fair and fact-based approach while identifying and addressing the benefits and challenges that migration can have for the host nation. New media channels offer a variety of opportunities due to their ability to connect with audiences that traditional media do not reach. But there are other difficulties, like the spread of misleading information and unfavourable stereotypes.

5.13. *Ensure respect for refugees' and migrants' dignity in media:* member States should take steps to encourage accurate and non-discriminatory portraying of migrants and refugees, help media gather and share accurate and non-discriminatory information about migration and the human rights implications of migrants' and refugees' integration, while avoiding messages that are stigmatising, xenophobic, racist, alarmist or inaccurate.

5.14. *Fight against xenophobia and discrimination:* specific programmes should be put in place for improving knowledge and addressing negative perceptions of migrants and refugees with the aim of protecting them from xenophobia, violence and discrimination. States can undertake information campaigns in co-operation with civil society organisations, the media and other relevant actors to, *inter alia*, shed light on the situation of migrants and refugees and raise awareness of the risks and dangers of trafficking and transnational organised crime.

5.15. *Develop welcoming programmes:* various cities in Europe have welcoming programmes in place, as well as related communication campaigns that make use of photos, posters, press releases, and social media. Communication emphasizes diversity as an advantage.

5.16. *Enhance public health support for vulnerable refugees and migrants:* availability of public health support is an important issue. Refugees, especially children, that fled high intensity conflict areas may need psychological support. While the protection of the health of migrants and refugees has so far been linked solely to the guarantee of basic physical care, it is essential to recognise that mental health and psychological support are equally essential. The World Health Organization's "Strategy and Action Plan for Refugee and Migrant Health in the WHO European Region" (2016) places improving the mental health of refugees and migrants on the political agenda.

6. States should take measures at European level to promote integration of refugees and migrants based on the respect for the rights and dignity of every individual. The Assembly calls upon member States to take into consideration, when devising public policies for refugees and migrants' integration, the recommendations put forward by the Council of Europe Commissioner for Human Rights in the issue paper "Time for Europe to get migrant integration right" (2016).

7. Bearing in mind the importance of best practice exchange at European level, the Assembly recommends enhancing international co-operation to promote integration of refugees and migrants at local, national and European levels.

8. Participation in programmes aimed at managing diverse societies, such as the Council of Europe's Intercultural Cities programme, is highly recommended. The programme supports cities and regions in reviewing and adapting their policies through an intercultural lens and developing comprehensive intercultural strategies to manage diversity as an advantage for the whole society.

9. The Assembly welcomes co-operation with the Congress of Local and Regional Authorities of the Council of Europe in the implementation by the Congress of the Cities4Cities initiative – a new matchmaking platform launched to support Ukrainian local and regional authorities.

10. Finally, the Assembly underscores the importance of enhancing reception capacities and integration facilities for refugees and migrants. Social projects responding to emergency situations can be financed with the support of financial instruments available through the Council of Europe Development Bank – a major instrument of the solidarity policy in Europe.



Resolution 2503 (2023)¹

Provisional version

Social inclusion of migrants, refugees and internally displaced persons through sport

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the universality of sport. It notes that it can be a fantastic catalyst for empowerment and physical and psychological well-being. Sport can heal and bring the best out of people, it contributes to reinforcing self-esteem. Sport can help in developing a positive and fresh outlook on life, bringing communities together, as well as helping to build them. Practising sport can build mutual respect and encourage team spirit.
2. The Assembly notes that generating important positive values, sport has many advantages and can play an instrumental role in the integration of migrants, refugees and internally displaced persons in their host country or society. Sport can also provide a sense of safety to persons on the move who faced numerous challenges during their migration journey.
3. The Assembly notes that sport is often considered as an effective social policy tool which reduces anti-social behaviour and increases community cohesion. In this context, it underlines the importance of the active involvement of migrants, refugees and internally displaced persons, as well as of host authorities at central, regional, local and community levels, in building policies and mechanisms fostering the inclusion of these vulnerable groups through sport.
4. The Assembly is well aware of the existing efforts at national and international levels in this respect notably in the context of the Global Compact on Refugees and its invitation to the United Nations High Commissioner for Refugees (UNHCR), States and sport entities to sign partnerships to foster access to sporting facilities, including in refugee-hosting areas. It hails the efforts of the International Olympic Committee (IOC) to promote sport activities for refugees and to support the participation of refugee athletes at the Paris Olympics 2024 thanks to the Refugee Olympic Team. It also welcomes the launch of the Olympic Refugee Foundation by UNHCR and the IOC.
5. Last but not least, the Assembly underlines the Council of Europe's active role in promoting sport as a means of inclusion and peace through the adoption of legal instruments such as the [European Sports Charter](#) and relevant recommendations of the Committee of Ministers to member States such as Recommendation [Rec\(2001\)6](#) on the prevention of racism, xenophobia and racial intolerance in sport, Recommendation [Rec\(2003\)6](#) on improving physical education and sport for children and young people in all European countries, Recommendation [CM/Rec\(2015\)2](#) on gender mainstreaming in sport, as well as Recommendation [CM/Rec\(2012\)10](#) on the protection of child and young athletes from dangers associated with migration.
6. While the establishment of the Enlarged Partial Agreement on Sport (EPAS) by the Committee of Ministers in 2007 has been another paramount milestone in promoting sport within Council of Europe member States and beyond, the Assembly welcomes the outcome of the Council of Europe's Conference of Ministers responsible for Sport held in Antalya on 26 October 2022, where the Ministers called upon EPAS, *inter alia*, to "use sport as a tool for social integration of disadvantaged groups, such as migrants, refugees, persons with

1. *Assembly debate* on 21 June 2023 (17th sitting) (see [Doc. 15786](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Nigar Arpadarai). *Text adopted by the Assembly* on 21 June 2023 (17th sitting).



disabilities and senior citizens; develop a toolbox based on best practices for inclusion of disadvantaged groups in all aspects of sport and devise a communication plan to promote it widely” (Resolution No. 1). The Assembly also hails the decision of the Governing Board to organise the EPAS 2023 Diversity Conference on the topic of the inclusion of migrant and refugee children through sport.

7. Conscious of the existing barriers challenging the success of inclusive programmes for migrants through sport, the Assembly calls the Council of Europe member States to:

- 7.1. have due regard to the values and principles laid down in the European Sports Charter;
- 7.2. access to the Enlarged Partial Agreement on Sport, for those which have not yet done so, so as to ensure a better implementation of the European Sports Charter and benefit from a more effective international co-operation;
- 7.3. adopt and ensure the application of legislation prohibiting any discrimination in sports due to nationality, gender, sexual orientation, ethnicity, language or disability, or any other form of discrimination;
- 7.4. facilitate travel to international sports events for refugee athletes, on the same basis as non-refugee athletes through legal and practical measures;
- 7.5. ensure that everyone is given the opportunity to practice sports and undertake specific action to guarantee that the most vulnerable people, including migrants, refugees and internally displaced persons, have proper access to sporting facilities and activities, actively considering the financial costs required, but also the age, gender, ability and other diversity needs;
- 7.6. ensure that coaches are trained to be able to detect migrants', refugees' and displaced persons' vulnerabilities and overcome them, and put in place assistance services to allow them to feel safe and protected in sports centres;
- 7.7. contribute, through the organisation of language courses, to ensuring that language differences are no longer a barrier to inclusion.

8. In line with the Global Compact on Refugees, the Assembly encourages States, sport entities, the UNHCR and the IOC to sign further partnerships to foster access to sporting facilities, including in refugee-hosting areas, to promote sport activities for refugees, to support the participation of refugee athletes at the Paris Olympics 2024 and to harness the Olympic Refugee Foundation launched by UNHCR and the IOC.

9. Aware that structural and cultural barriers are harsher where vulnerable migrants, refugees and displaced persons, such as women, children, members of the LGBTQI+ community or disabled persons are concerned, the Assembly urges Council of Europe member States to develop specific targeted actions to promote their social inclusion in the receiving societies with the involvement of these target groups in the decision-making processes.

10. As women can be prevented from practicing sports because of prejudices and also for logistical reasons, the Assembly recommends:

- 10.1. the organisation of wide media campaigns and coverage of women sports with the aim of reaching a larger number of young girls who are reluctant to enrol in sports due to cultural or psychological barriers and reducing stereotypes and discriminatory narratives;
- 10.2. the setting-up of child-minding services within sports organisations in order to enable women athletes to have their own time for sports practice.

11. In order to fight against discrimination notably against members of the LGBTQI+ community and persons with disabilities, the Assembly calls on Council of Europe member States and sports organisations to develop awareness-raising campaigns spreading messages of tolerance and inclusion while deconstructing stereotypes and in particular to join the Council of Europe's Combating Hate Speech in Sport project.

12. The Assembly reckons that the wider migration flows in European countries require a strategic vision for the social inclusion of migrants, refugees and internally displaced persons. For this purpose, it considers that Council of Europe member States should privilege long-term and sustainable projects, investing in cross-sectoral initiatives leading to the further inclusion of migrants, refugees and internally displaced persons into the receiving societies, such as undertaking sport-based activities in parallel with educational programmes. To

achieve this, the Assembly calls on Council of Europe member States to earmark greater funds to develop effective policies of social inclusion in order to avoid that the costs be borne by sports organisations, as their excessive amount could push them to limit sport-based operations. As a result:

12.1. migrants, refugees and internally displaced persons should be granted free access to sport facilities and sport-based activities, including the supply of sport uniforms when required;

12.2. given the healing effects of sporting activities, sport organisations should be properly equipped with psychological and social assistance available to all enrolled individuals, in particular for migrants;

12.3. equal access to sports facilities, including for people with disabilities, should be ensured.

13. Further funds should be ring-fenced for the promotion of collaboration among sport and non-sport organisations with the aim to setting up co-operative mechanisms and cross-sectoral societal actions.

14. The Assembly is convinced that public awareness of the benefits of sport as a means of promoting the social inclusion of migrants should be pursued. For this purpose, it calls on member States together with sports organisations to:

14.1. develop effective awareness-raising campaigns to highlight the importance of including migrants in societies, thus reducing cases of racism, discrimination and hate speech;

14.2. organise communication campaigns targeting migrants, refugees and internally displaced persons so that they are aware of specific projects aimed at their social inclusion.

15. Given the importance of exchanging knowledge and experience, the Assembly calls on Council of Europe member States to allocate adequate financial resources to maintaining the sustainability of the Council of Europe sport migrant integration platform. Furthermore, it encourages them to upload their projects on the platform; so that they can benefit from a wider visibility at the international level but also create emulation among other local, regional, national and international sport organisations for the development of a larger number of sport-based programmes for the inclusion of migrants, refugees and internally displaced persons.

16. In accordance with the UNHCR's overall participatory and community-based approaches to refugee protection and assistance, the Assembly encourages all stakeholders to work together with refugee athletes and refugee-led organisations in the field of sport and to financially support refugee-led organisations. Furthermore, the Assembly strongly calls for national sports organisations, Olympic and Paralympic Committees to be fully funded to support refugee athletes.



Resolution 2504 (2023)¹

Provisional version

Health and social protection of undocumented workers or those in an irregular situation

Parliamentary Assembly

1. Europe is home to about 4-5 million undocumented persons. However, this figure may be a gross underestimation because reliable data is lacking. Many such persons *de facto* participate in the labour market as “invisible workers”, including as migrant seasonal workers and migrant domestic workers, but remain very fragile socio-economically – with poor or no access to socio-economic rights. Their vulnerability was highlighted during the Covid-19 pandemic, when this category of workers was exposed to a double hazard: high socio-economic precarity and haphazard, if any, access to basic health care.
2. By accepting the marginalisation of undocumented workers, member States tolerate inequality of treatment, discrimination and vulnerability which carry the potential for abuse and exploitation of persons. Such situation also breeds precarity, trafficking in human beings and the risk of crime, harms safety at work, fuels the underground economy, reduces State revenue from social contributions and undermines fair competition. Entire sectors of the national and international economy are based on an economic model that violates the fundamental rights of workers in general and more pronouncedly for people without residence permits. We cannot intervene effectively in the protection of undocumented workers without changing the economic philosophy – lowering production costs by mistreating workers to increase the profit of a few – that leads to this situation.
3. The Parliamentary Assembly notes that the problem of labour exploitation affects both migration and labour law. The tightening by member States of the legal channels for third-country nationals to come and work in Europe exacerbates the precarity of the labour and residence rights of persons who have sometimes been living in our States for many years. The Assembly recalls that asylum and migration policies themselves sometimes create situations of illegality for migrant persons. One of the main reasons for the abuse and exploitation of undocumented migrants in particular and workers in general is a labour market without sufficient controls, a situation further exacerbated in the case of migrant domestic workers for whom inspections are difficult, another being the dehumanisation of migrants, particularly in certain political discourses.
4. The Assembly strongly supports dialogue between the key stakeholders (the State authorities, employers, associations, and trade unions) as the way of developing programmes to restore rights to invisible workers in national labour markets and society in general. It considers that the “offence of solidarity”, whether aimed at civil society organisations or private individuals in their efforts to help these vulnerable people on their arrival and during their stay in our countries, must be abolished where it still exists.
5. In this context, the Assembly refers to its Resolution 1568 (2007) and Recommendation 1807 (2007) calling for regularisation programmes to be set up for irregular migrants. It also recalls its Resolution 1922 (2013) “Trafficking of migrant workers for forced labour” and its Resolution 2323 (2020) “Concerted action

1. *Assembly debate* on 21 June 2023 (17th sitting) (see [Doc. 15784](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Ada Marra; and [Doc. 15794](#), opinion of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Arusyak Julhakyany). *Text adopted by the Assembly* on 21 June 2023 (17th sitting).

See also [Recommendation 2255 \(2023\)](#).



against human trafficking and the smuggling of migrants". It notes that some European countries have taken measures aimed at improving the situation of undocumented workers or those in an irregular situation. Partial regularisation programmes or other administrative facilities thereby put in place have enabled better access of such workers to health and social welfare programmes, or at least temporarily extended the health coverage for these vulnerable workers sometimes without going through the regularisation process, in particular since the Covid-19 crisis. Nonetheless, the phenomenon of exploitation in economic sectors persists, especially for undocumented workers, and further bold human rights based measures are necessary to consolidate access to socio-economic rights for all across the Council of Europe member States in line with the standards set out in the European Social Charter (ETS No. 35) and the conventions of the International Labour Organization (ILO), as well as recommendations put forward by the European Commission against Racism and Intolerance (ECRI) in 2016.

6. The Assembly notes that invisible workers are at high risk of exploitation by employers who do not declare them or only partially declare them, pay them inadequately low wages, and often do not offer decent working conditions. These workers do not have the means to defend themselves against abuses in several areas (notably at work, regarding housing and access to basic medical care), because they feel that having recourse to the justice system would put them at risk of deportation and/or employer retaliation. The violation of fundamental rights, including social rights, of invisible workers must stop, and States can do that by changing their policies in several ways.

7. The Assembly is concerned that many member States' regulatory frameworks are too strict or not transparent regarding the conditions to be met, and that they make access to regularisation procedures for invisible workers excessively difficult, burdensome, opaque, or unpredictable. In addition, overly complex, costly, and slow administrative procedures often delay the issuance or prolongation of residence and work permits. This not only blocks the regularisation of the invisible workers' status but also throws thousands of workers with temporary permits into an irregular situation when their permits are not renewed on time.

8. The Assembly also deplores the restriction of the personal scope of application of the European Social Charter (that is, the exclusion of persons from countries that have not ratified it, and of those not lawfully resident or working regularly on the territory of the Party concerned), as set out in the Appendix to the Charter. The Assembly shares the view that this limitation is incompatible with the nature of the Charter as a human rights treaty. This anomaly should be corrected to bring the treaty into line with the state of development of international human rights law.

9. In light of the above considerations, the Assembly recommends to member States the following good practices, whether in the context of *ad hoc* programmes of regularisation or permanent mechanisms aimed at the better integration of invisible workers:

- 9.1. information on official procedures to apply for national residence and work permits should be available in many languages to ensure it is accessible and understandable, and, to this end, should rely on civil society (trade unions, non governmental organisations, and associations);
- 9.2. for workers with temporary contracts, a change of employer should not affect residence status;
- 9.3. the application should preferably be made by the undocumented worker himself/herself, without intermediaries who could blackmail him/her;
- 9.4. residence and work permits should be directly granted to all migrants in an irregular situation who co-operate with the police to report abuses;
- 9.5. for any victim of criminal labour exploitation, trafficking in human beings and other violent crimes who would like to remain in the country, effective access to free legal assistance and to protection mechanisms should be guaranteed, expulsion procedures should be suspended, and access to specific permits facilitated, independently of their co-operation with the authorities and their involvement in judicial proceedings;
- 9.6. there should be a possibility of appeal to an independent body in the event of a negative response by the administrative decision-making body or of a decision by an authorised third party not to submit the application for regularisation to the decision-making body;
- 9.7. admissibility criteria such as a specific number of years of residence in the country (reasonable duration) should be as clear as possible, and the family situation of applicants should be taken into account;
- 9.8. application and procedural fees should be as low as possible or be waived entirely in view of the extremely low incomes of undocumented migrants;

- 9.9. support for associations that assist applicants in their regularisation process throughout the procedure should be put in place;
- 9.10. the number and type of documents to be produced by applicants should be reasonable and take into account the discreet nature of undocumented migrants' lives;
- 9.11. once undocumented persons have had their situation regularised, measures must be put in place to support them (for example, language courses, help finding a new job);
- 9.12. access to healthcare must be ensured for all undocumented workers regardless of the advancement of their regularisation process.

10. The Assembly notes that access to justice which is a key element of the protection of undocumented or irregular workers, is not sufficiently guaranteed by member States. States should be encouraged to devise procedures that do not put the various courts in contact with the migration authorities, which constitutes the main subjective and objective obstacle to undocumented workers exercising their rights.

11. In order to eliminate the worst forms of exploitation of invisible workers, the Assembly urges member States:

- 11.1. to sign and ratify the European Convention on the Legal Status of Migrant Workers (ETS No. 93);
- 11.2. to fully implement the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and the Committee of Ministers Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation;
- 11.3. to enhance corporate social responsibility based on the United Nations Guiding Principles on Business and Human Rights and the Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business;
- 11.4. to better protect victims of human trafficking for sexual or labour exploitation purposes by granting a temporary residence permit for the time of the proceedings, as soon as the abuses committed are reported to a competent judicial or civil authority (for example, labour inspectorate).



Resolution 2505 (2023)¹

Provisional version

UK reform of its human rights legislation: consequences for domestic and European Human Rights protection

Parliamentary Assembly

1. The Parliamentary Assembly recalls that the aim of the Council of Europe is to achieve greater unity between its member States, based on common values of respect for the rule of law, democracy and human rights.
2. The Assembly reaffirms its commitment to these values, which are the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy.
3. The Assembly emphasises that respect for the rule of law includes respect by States of their international legal obligations, including those under the European Convention on Human Rights (ETS No. 5).
4. The Assembly recalls that, in line with the principle of subsidiarity, Council of Europe member States are primarily responsible for the effective implementation and enforcement of international human rights norms they have signed up to, in particular those of the European Convention on Human Rights.
5. The Assembly recalls the importance of embedding human rights education and ensuring improved public understanding of the inherent value of core principles such as the rule of law, robust democratic institutions, and effective guarantees for the protection of human rights.
6. The Assembly considers that the UK system for giving effect to the European Convention on Human rights through the operation of the Human Rights Act is, in many respects, an excellent example of an effective domestic mechanism for ensuring that Convention rights are respected and fully implemented at the national level. It also ensures respect for the separation of powers and for democratic debate in determining how laws and rights should be developed and balanced. The Assembly commends many of the features of the Human Rights Act as good examples for member States looking to successfully embed human rights, and in particular the Convention rights, within their national legal systems. The Assembly therefore considers that it would be regrettable if the United Kingdom were to dispense with such an excellent system that has led to the UK having one of the lowest number of cases brought before the European Court of Human Rights, and in particular of findings of violations against it, of any State Party to the Convention.
7. Recalling its [Resolution 1823 \(2011\)](#) “National parliaments: guarantors of human rights in Europe”, the Assembly is pleased that there are processes in place in the UK to consider the human rights and rule of law consequences of draft legislation before the UK Parliament, but considers that further thought might be given to ensuring that such processes and analysis benefit from sufficient independence, transparency and due consideration in the legislative process.
8. The Assembly is concerned that recent legislation introduced by the UK Government to Parliament, and in particular the Bill of Rights Bill and the Illegal Migration Bill, indicates an increased willingness on the part of the UK Government, and certain legislators, to legislate in a way that could risk breaching the UK’s international legal obligations and thus the rule of law. The Assembly is extremely concerned at such developments, and in particular what signal that may send both domestically and internationally.

1. *Assembly debate* on 21 June 2023 (17th sitting) (see [Doc. 15782](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Kamal Jafarov). *Text adopted by the Assembly* on 21 June 2023 (17th sitting).



9. The Assembly, moreover, expresses concern that both the Bill of Rights Bill and the Illegal Migration Bill would increase legal uncertainty and conflicts between UK domestic law and the requirements of the European Convention on Human rights – as well as a number of other international conventions. The Assembly notes that these concerns have been similarly expressed by numerous civil society organisations, the Joint Committee on Human Rights of the UK Parliament, the UK's National Human Rights Institutions, the Commissioner for Human Rights of the Council of Europe, the Group of Experts on Action against Trafficking in Human Beings (GRETA), and the United Nations High Commissioner for Refugees.

10. The Assembly therefore calls on the UK Government and Parliament to:

10.1. ensure that robust processes are in place to ensure respect for the rule of law and in particular respect for the UK's international legal obligations, in legislation proposed to parliament. In particular, assessments of compatibility with the rule of law, including international law and human rights law, should be undertaken in respect of bills introduced into parliament. Such assessments should be undertaken by a body that is sufficiently independent from government to be able to provide objective advice on the rule of law, should be available early in the legislative process, and should be made public to fully inform parliament and the public so that the legislature can take an informed decision on the implications of legislation before it. Parliament must be allowed adequate time and information to assess the rule of law and human rights implications of the legislation before it;

10.2. carefully consider the content of the provisions that, were they to enter into force, could risk placing the UK in breach of its international obligations, including the provisions relating to:

10.2.1. positive obligations (clause 5 of the Bill of Rights Bill);

10.2.2. overseas military operations (clause 14 of the Bill of Rights Bill);

10.2.3. interim measures (clause 24 of the Bill of Rights Bill and clause 53 of the Illegal Migration Bill);

10.2.4. restrictions on the protections for victims of modern slavery and human trafficking under the Illegal Migration Bill;

10.2.5. the adequacy of safeguards against indefinite or arbitrary detention of migrants under the Illegal Migration Bill;

10.2.6. protections for children under the Illegal Migration Bill, including as concerns detention, removal and standards of care for children, including unaccompanied children;

10.2.7. protections for refugees and stateless persons under the Illegal Migration Bill;

10.2.8. the adequacy of due process, appeal rights and the availability of an effective remedy for individuals affected by decision-making under the Illegal Migration Bill.

11. The Assembly calls on all member States of the Council of Europe to:

11.1. ensure that the European Convention on Human Rights is fully embedded, applied and enforced within their domestic legal systems and to take adequate steps to support a culture of respect for human rights and the rule of law domestically;

11.2. put in place adequate mechanisms for ensuring that the human rights and rule of law implications of draft legislation are fully and transparently assessed before legislation is passed, by systematically verifying the compatibility of draft legislation with Convention standards;

11.3. ensure that adequate processes are in place to correct misunderstandings or misinformation relating to the rule of law and the impact of the European Convention of Human Rights system; and to make use of available information on the functioning of the European Convention on Human Rights system;

11.4. develop initiatives for education and training on human rights and the rule of law in order to foster culture which understands and respects the important role that the rule of law and human rights play in a healthy democracy.

12. The Assembly calls on members States and the instances of the Council of Europe to develop improved tools in order to counteract misinformation in relation to human rights and the rule of law more effectively. In this light, the Assembly welcomes initiatives such as the work to highlight the impact of the European Convention on Human Rights system and encourages greater use of such communications materials. The Assembly also encourages further reflection on how best to strengthen communication work in relation to the role of the European Court of Human Rights and the implementation of its judgments.



Resolution 2506 (2023)¹

Provisional version

Political consequences of the Russian Federation's war of aggression against Ukraine

Parliamentary Assembly

1. Seventeen months since launching the large-scale invasion, Putin's regime persists in its brutal war of aggression against Ukraine. After the battle of Bakhmut (August 2022 – June 2023), which has been the longest in the war and has had a huge human cost, the Ukrainian counteroffensive is currently under way. As the Ukrainians advance and liberate areas of their territory illegally occupied by the Russian Federation, it is to be feared that new evidence of war crimes will emerge. The magnitude of the consequences of the destruction of the Kakhovka Dam, on 6 June 2023, will only be known in the coming weeks. This attack, aimed at delaying the Ukrainian counteroffensive, confirms the barbarism of Putin's war machinery and constitutes a war crime and ecocide.
2. Recalling its previous resolutions and recommendations on this matter, the Parliamentary Assembly reiterates its firm condemnation of the Russian Federation's aggression against Ukraine as a violation of international law and an act of unprecedented gravity, in itself and because of its far-reaching political, geopolitical, legal, humanitarian, environmental and economic consequences, in Europe and beyond.
3. By defending the sovereignty, independence and territorial integrity of their country, Ukrainians are protecting the values of the Council of Europe, and the basic principles enshrined in the Charter of the United Nations which are the foundations of the peaceful co-existence between States. One of the main political consequences of the Russian Federation's war of aggression against Ukraine is that it has forged a renewed bond amongst democracies in support of Ukraine.
4. The 4th Summit of Council of Europe Heads of State and Government, held in Reykjavik on 16-17 May 2023, is the expression of this unity around common values, of the resolve to support Ukraine for as long as it takes, and the willingness to ensure that the Russian Federation and its leaders are held to account for their crime of aggression and other manifold wrong-doings. The Assembly welcomes the strong stance taken by European political leaders in Reykjavik, supports the Summit's Final Declaration and will participate in its follow up within its remit, competencies, and outreach.
5. The Reykjavik's Final Declaration sets the tone in unequivocal terms: for the Council of Europe and its member States, supporting Ukraine should be a political imperative. To turn this commitment into a reality, it is of the utmost importance to step up assistance to Ukraine, complete and give effective implementation to a comprehensive system of international accountability of the Russian Federation, tackle legal gaps and loopholes in the sanction system and isolate diplomatically the aggressor regime.
6. For Council of Europe member States, supporting Ukraine is important not only as an issue of rule of law and international justice but also to protect democratic security and stability in Europe. Not only has the Russian Federation brought back to Europe a devastating war of aggression but it has also pushed the limits of what can be used as a weapon, from migrants to energy, from economic leverage to elite capture, from ecocide to kidnapping of Ukrainian children and other citizens and the Russian passportisation of Ukrainian citizens in temporarily occupied territories.

1. *Assembly debate* on 22 June 2023 (18th sitting) (see [Doc. 15797](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Emanuelis Zingeris). *Text adopted by the Assembly* on 22 June 2023 (18th sitting).



7. The Russian Federation's war against Ukraine has caused significant global consequences – first of all – food insecurity, extra high energy prices, poverty and hunger. The resources that we cannot invest to achieve the Sustainable Development Goals (SDGs) hinder global development. More than a half out of 17 goals are negatively impacted by the Russian Federation's war. Because of the Russian Federation we will see regress in achieving the SDGs, including concerning climate.

8. The reach of the hybrid war of the Russian Federation is global and is felt in all corners of Europe. The Republic of Moldova, Georgia, and the Western Balkans are subject to pronounced Russian-backed hybrid warfare methods that are designed to destabilise their democracies. The Assembly is alarmed by the extensive and unscrupulous use of disinformation, energy blackmail, nuclear blackmail, economic levers, and disinformation by the Russian Federation to exacerbate existing tensions and fractures in democratic societies.

9. In addition, the aggression and the resulting new geopolitical context magnify security risks because of their impact on the functioning of multilateral mechanisms aimed at preventing and resolving conflicts, including those established under the auspices of the Organization for Security and Co-operation in Europe (OSCE).

10. At the same time, hard security is a grave concern. The Russian leadership has brandished reckless threats of nuclear warfare and has increased the risk of nuclear accidents involving the Zaporizhzhia nuclear power plant, which is illegally under Russian control. The Russian Federation uses the occupation of the Zaporizhzhia nuclear power plant for blackmail purposes in contravention of the Convention on Nuclear Safety and the safeguards regime of the International Atomic Energy Agency (IAEA), of which the Russian Federation is a member. The Assembly welcomes the visit of a delegation of the IAEA to the site on 15 June 2023 and calls for its recommendations to be fully executed. The Assembly expresses its gravest concern that the Russian Federation may be planning to carry out a deliberate attack on or cause a deliberate accident at the Zaporizhzhia Nuclear Power Plant, as mentioned by President Zelenskyy on 22 June 2023. This would risk provoking an escalation in the war, and lead to a radiation leak with devastating consequences for Europe.

11. The Assembly is deeply concerned by the deployment of Russian tactical nuclear weapons in Belarus, which started in May 2023, and by reports that the deployment of strategic weapons may be under consideration. As Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), both the Russian Federation and Belarus are in violation of their non-transfer and non-possession obligations, under Articles 1 and 2 of that treaty, respectively. Similarly, the Assembly deeply regrets the withdrawal of the Russian Federation from the Conventional Armed Forces in Europe (CFE) Treaty, a cornerstone of European security and stability and of conventional arms control architecture.

12. Europe can only be durably at peace if the Russian Federation becomes a democracy and loses its military potential to attack its neighbours. Thus, engagement and co-operation should be strengthened with Russian forces and civil society who aspire to a democratic change in the Russian Federation, who share the values of the Council of Europe, and who support the sovereignty, independence and territorial integrity of Ukraine as well as with those advocating for the principle that the Russian Federation, as a State, provide full compensation to Ukraine once the war is over, and endorsing the idea that the Russian regime should face an international tribunal for its actions. Similarly, the Belarusian democratic forces and their leader, Sviatlana Tsikhanouskaya, as well as other forces ready to rise up against Lukashenka's regime in Belarus deserve the full support of the Council of Europe and its member States.

13. Since the last time the Assembly debated the war of aggression, a number of peace initiatives have been launched. In this regard, the Assembly reiterates its position laid down in its Resolution 2463 (2022) "Further escalation in the Russian Federation's aggression against Ukraine" that any peace talks can only take place on the conditions set by Ukraine. It highlights, in this regard, that the Reykjavik Declaration expresses full support for the principles for a just and lasting peace as outlined in President Zelenskyy's Peace Formula.

14. As the Reykjavik Declaration points out, there cannot be peace without accountability. The Assembly therefore welcomes the establishment of the Registry of Damage Caused by the Aggression of the Russian Federation Against Ukraine. It shall continue to pursue its efforts in view of the establishment of an international compensation mechanism and a Special Tribunal for the Crime of Aggression to prosecute the political and military leadership of the Russian Federation, as requested by the Assembly in several texts and most recently in Resolution 2482 (2023) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine". The Assembly welcomes the launch of the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA).

15. The Assembly points out that international accountability must extend to all private military companies, proxies and allies linked to the Russian Federation who are committing crimes and illegal acts on the territory of Ukraine, including the Wagner Group and the military forces of Ramzan Kadyrov. A Red Notice (Warrant) should be issued by Council of Europe member States against the leaders and members of these international terrorist groups.

16. Supporting Ukraine also requires curtailing the Kremlin's ability to finance its war of aggression. A large coalition of countries and the European Union have imposed an unprecedented range of diplomatic, financial and economic restrictive measures against the Russian Federation and should continue making joint efforts to increase sanction pressure and international isolation of the violating State. The existence of loopholes in the sanction system, however, and the development of various techniques of sanction avoidance by the Russian Federation and private companies – especially involving third countries – have considerably reduced its effectiveness. The Assembly believes that the international community should address this problem with resolve and without any further delay. The issue of Council of Europe member States helping the Russian Federation circumvent sanctions should be examined by the Assembly Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in its work. In addition, helping the Russian Federation bypass sanctions should be a circumstance precluding future candidates to join the Council of Europe.

17. The Assembly condemns the biased and misleading narratives being spread by the Russian Federation, and amplified by some countries, about the war of aggression and the restrictive measures introduced against Putin's regime. The Assembly considers that Council of Europe member States should be proactive in countering this pervasive misinformation and disinformation.

18. In light of the above considerations, as regards accountability, the Assembly:

18.1. welcoming that 45 States and the European Union have already joined or indicated their intention to join the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine, invites the largest possible number of countries to join;

18.2. calls on the countries represented in the Conference of Participants of the Register of Damage to clarify in the Register's Rules on admissibility that the Register applies also to acts committed by private military groups, paramilitary groups and other military groups fighting for the Russian Federation, including the Wagner Group and Kadyrov's forces;

18.3. calls on member States and other States having custody of the Russian Federation's assets to establish an international mechanism for compensation, making use of confiscated assets to pay for war damages to Ukraine without delay;

18.4. calls on member States of the Core Group on the establishment of a Special Tribunal for the crime of aggression against Ukraine to accelerate their negotiations to set up a Special international criminal tribunal for the crime of aggression against Ukraine, and calls on additional States to join the Core Group;

18.5. welcomes the launch of the International Centre for the Prosecution of the Crime of Aggression against Ukraine;

18.6. invites parliaments of Council of Europe member States to designate the Wagner Group and Kadyrov's Guard as terrorist organisations and to call for the full accountability of all those military and paramilitary groups who participate in the Kremlin's aggression against Ukraine;

18.7. supports the investigation of the situation in Ukraine by the International Criminal Court and calls on all States Parties to the Rome Statute to execute the arrest warrants issued by the Court; asks the Court to issue arrest warrants against the members and leaders of the above mentioned Wagner and Kadyrov Groups;

18.8. welcomes the adoption of the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes and urges the Council of Europe member States to ratify it as soon as possible to deliver justice to the victims of those crimes;

18.9. supports the call to enable supply of additional capabilities, including by means of re-export, for the self-defence purposes of Ukraine.

19. With a view to strengthening Europe's democratic security and resilience against soft and hybrid security threats, the Assembly calls on Council of Europe member States to:
 - 19.1. enhance co-operation and political dialogue with countries and regions that are particularly exposed to the Russian Federation's interference, bilaterally, through the Council of Europe and through the international platforms they belong to;
 - 19.2. redouble efforts to promote the further European integration of Ukraine, the Republic of Moldova, Georgia, Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo*;²
 - 19.3. step up international co-operation to fend off interference by the Russian Federation in their democratic processes and introduce a whole of society approach to building societal resilience against disinformation and misinformation;
 - 19.4. step up diplomatic efforts to isolate the Russian Federation and Belarus as its accomplice in the war of aggression against Ukraine internationally and deprive them of support;
 - 19.5. counter the false narratives about the war of aggression and the sanction system spread by the Russian Federation, its allies and partners;
 - 19.6. set up a platform to reflect on mechanisms for conflict prevention and resolution in Europe, taking into account the new geopolitical context.
20. The Assembly also calls on Council of Europe member States that are NATO members to support the Ukrainian membership in NATO.
21. As regards assistance to the reconstruction and democratic governance of Ukraine, the Assembly:
 - 21.1. calls on all member States of the Council of Europe Development Bank to rapidly subscribe to the capital increase, approved in 2022, to endow the Bank with the means to pursue its support to Ukraine and to neighbouring countries hosting refugees and persons displaced by the war against Ukraine;
 - 21.2. calls on the widest number of countries and the European Union to contribute to the Action Plan for Ukraine "[Resilience, Recovery and Reconstruction](#)" 2023-2026 and make resources available to ensure the long-term democratic resilience of Ukraine.
22. Also welcoming that the 11th package of sanctions to be adopted by the European Union aims at enhancing the effectiveness of the system of restrictive measures, the Assembly:
 - 22.1. calls on countries aspiring to join the European Union, including its own member States, to ensure strict alignment with decisions taken under the European Union Common Foreign and Security Policy;
 - 22.2. calls on European Union member States, in the course of such negotiations, to support robust deterrent measures and the introduction of secondary sanctions;
 - 22.3. invites the European Union to expand efforts to withhold financial assistance to those who support the Kremlin in its war of aggression. This should include also financial assistance which is provided to third countries, including in the context of partnership and co-operation agreements;
 - 22.4. calls on the parliaments of Council of Europe member States to withdraw from the pending ratification of free trade agreement between the European Union and the Republic of Cuba (PDCA);
 - 22.5. encourages Council of Europe member States to introduce full-scale political and economic sanctions against the Iranian regime;
 - 22.6. supports the sanctions against the Russian Federation introduced by the United States of America.
23. The anti-war movement in the Russian Federation calls on the member States who have passed "Magnitsky laws" and the European Union to add those responsible for the arbitrary prosecution of Vladimir Kara-Murza to the list of persons subject to targeted sanctions.

2. *Throughout this text, all reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

24. Believing that an effective framework to address sanction avoidance should rest on the following elements, the Assembly calls on Council of Europe member and observer States and the European Union to take them into account:

- 24.1. creating strategic European economic autonomy from Russian oil and gas that are used for Russian imperialistic geopolitical purposes;
- 24.2. introducing measures to reduce the resale of Russian oil and gas to Europe via third countries;
- 24.3. expanding the list of individuals and entities targeted by the restrictive measures in the Russian Federation and third countries;
- 24.4. identifying the major categories of entities and individuals which play a significant role in sanction avoidance, such as banks, insurance companies, financial advisers, financial institutions, transport and logistics companies, ports, and service companies;
- 24.5. setting up effective mechanisms to monitor sanctions compliance, for instance a dedicated Task Force;
- 24.6. introducing and implementing secondary sanctions, and monitoring compliance with them;
- 24.7. setting up a public Register of companies and individuals working for Russian interests;
- 24.8. setting up a public Register of companies and individuals involved in sanctions avoidance;
- 24.9. introducing international guidelines for financial institutions to assess risks carefully for customers and transactions prone to sanction avoidance. These guidelines would require heightened scrutiny when dealing with individuals or entities operating in jurisdictions known for evading sanctions;
- 24.10. strengthening co-operation and harmonising sanctions efforts amongst like-minded countries, in order to avoid loopholes;
- 24.11. enforcing robust tracking and verification systems to prevent sanctioned goods and materials from entering global markets through indirect channels, including by conducting regular audits and collaborating with industry partners to ensure compliance throughout the supply chain;
- 24.12. introducing significant financial penalties for sanction avoidance;
- 24.13. introducing criminal liability for the deliberate assistance by individuals and groups of individuals for the purpose of evading sanctions;
- 24.14. considering the establishment of a pan-European body with the authority to investigate and prosecute persons involved in sanctions avoidance. Such a body (Task Force), like the Register of the States and entities, banks and firms that are circumventing sanctions, should be established as soon as possible and it should work in parallel with the Register of Damage;
- 24.15. introducing monetary incentives for whistle-blowers reporting specific details of sanction avoidance.

25. As regards its own work, the Assembly:

- 25.1. resolves to establish channels of dialogue and co-operation with Russian forces and civil society who aspire to a democratic change in the Russian Federation, who share Council of Europe values, and who support the sovereignty, independence and territorial integrity of Ukraine, including the Russian Action Committee;
- 25.2. encourages further reflection on the issue of sanctions against the Russian Federation;
- 25.3. reiterates its concern at Russian abuse of the right to veto, which is an international threat to the international rule-based order and the democratic security of Council of Europe member States. In this respect, the Assembly supports all efforts and discussions seeking to unblock the situation at the United Nations and enabling it to deliver on its mandate.



Resolution 2507 (2023)¹

Provisional version

War of aggression against Ukraine – Participation of Russian and Belarusian athletes in the Paris 2024 Olympics and Paralympics?

Parliamentary Assembly

1. The Parliamentary Assembly condemns once more, in the strongest terms, the full-scale war of aggression waged by the Russian Federation against Ukraine, with the complicity of the Belarusian regime. The consequences of this deliberate flouting of international law reverberate far beyond the borders of Ukraine or even of Europe: all regions of the world are affected.
2. No means can be spared to demonstrate our entire repudiation of the Russian and Belarusian leadership and regime. Politicians and public authorities must lead the way, but major organisations and institutions acting in the public and private sphere should also stand up, bringing the weight of their moral authority and renown to the public consciousness.
3. The sporting world is an influential societal actor which, at national, regional and global level, wields immense economic, social, and even political leverage and whose decisions have a huge resonance and deep global impact. At its best, sport brings together countries, societies, people and cultures to a playing field where differences can be put aside and the exchanges are based on values such as mutual respect, diversity, equality and inclusion. And for these same reasons, the Assembly considers that the sporting world must today play its role in responding to a situation in which a major world power has thrown aside its obligations under international law with such devastating consequences.
4. In April 2022, the Assembly's Committee on Culture, Science, Education and Media welcomed the calls by the International Olympic Committee (IOC), which urged all International Sports Federations to relocate or cancel their sports events planned in the Russian Federation or Belarus and recommended to International Sports Federations and sports event organisers not to invite or allow the participation of Russian and Belarusian athletes and officials in international competitions. Moreover, the 17th Council of Europe Conference of Ministers responsible for Sport (Antalya, Türkiye) adopted on 26 October 2022 a Resolution in which the Ministers condemned the Russian Federation's aggression against Ukraine and considered that the Russian Federation and Belarus should not be represented in international sport as long as this aggression continues.
5. Concerned by the ongoing debate within the IOC on the possibility for athletes with a Russian or Belarusian passport to participate in the Paris 2024 Olympic and Paralympic Games as "neutral athletes", the same committee organised a hearing in April 2023 with the participation of invitees active in the ongoing discussions on this question. At this hearing, Assembly members listened to different points of view, including positions on the need to ensure non-discrimination in sport, the wish to keep sport separate and independent from politics and State intervention, as well as further details about the criteria for neutral participation

1. *Assembly debate* on 22 June 2023 (18th sitting) (see [Doc. 15795](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Linda Hofstad Helleland). *Text adopted by the Assembly* on 22 June 2023 (18th sitting).



currently under examination by the IOC and how different sports bodies may ultimately take different stances on this matter. The Standing Committee of the Assembly, meeting in Riga on 25 May 2023, held a current affairs debate on this question.

6. While recognising the complexity of the issues at stake, and that views may differ on the best approach, the Assembly holds that the participation of Russian and Belarusian athletes in the Olympic and Paralympic Games in the current context is unthinkable, would certainly be used as a tool of propaganda, and would *de facto* prevent other athletes, not least Ukrainian athletes, from participating.

7. Having taken into account all perspectives and arguments raised, the Assembly is convinced that the endeavour undertaken by the IOC to establish a set of acceptable criteria allowing for the participation of Russian and Belarusian athletes as neutral, individual competitors in the Paris Olympic and Paralympic Games cannot provide the necessary guarantees and will not constitute a response worthy of the values of human dignity and peace enshrined in the Olympic Charter.

8. Past experience at the Beijing and Sochi Olympics has shown that the Russian regime is more than ready to misuse the Olympic truce. Bearing in mind that Russian and Belarusian elite athletes receive State salaries and are often part of military sports teams, it seems impossible that they could demonstrate their neutrality and distance from these regimes, let alone making any declaration against the war. Indeed, athletes wishing to do so would certainly be putting themselves in a dangerous situation. Moreover, the individual decisions of each sports body on whether or not to allow Russian and Belarusian athletes to take part in the relevant competitions as neutral athletes could only lead to confusion and unequal treatment, and in recent weeks it has been shown that the Russian and Belarusian regimes will nonetheless use any victories of such “neutral” athletes in their propaganda, thus creating a narrative of acceptance and normalisation that downplays the gravity of the Russian and Belarusian governments’ actions.

9. Above all, the arguments for permitting participation of Russian and Belarusian athletes on the grounds of neutrality, independence of the sports movement, and non-discrimination, do not carry sufficient weight faced with the imperative of condemning and repudiating the atrocities being committed, and of demonstrating the international community’s complete and unwavering support for Ukraine as the onslaught continues. By imposing the ban in response to military aggression against Ukraine, the IOC would demonstrate its commitment to upholding the values of the Olympic Games, foster the pursuit of peaceful solutions to conflicts, and send a clear message to the Russian and Belarusian governments that their actions have consequences and that the international community stands in solidarity with Ukraine. The Ukrainian fight for freedom is our fight; this should not be forgotten or overlooked, and should continue to guide our responses to the Russian war of aggression.

10. The Assembly therefore:

10.1. strongly urges national IOC representatives and national and international sports federations to express their opposition to the IOC’s proposal to allow Russian and Belarusian athletes to participate, even as “neutral athletes” in the upcoming Paris Olympic and Paralympic games;

10.2. calls on the IOC and its constituent sports bodies to maintain the position expressed in 2022, and to prohibit the participation of Russian and Belarusian athletes in the Paris Olympic and Paralympic Games and in all other major sporting events, for as long as the war of aggression continues. Such a ban can only enhance and further promote the worthy objectives of peace and equality embodied by the Olympic Movement and by sport in general. It does not weaken or blur the independence and values of sport.



Resolution 2508 (2023)¹

Provisional version

Ensuring free and safe access through the Lachin Corridor

Parliamentary Assembly

1. The Parliamentary Assembly recalls that for more than 30 years, Armenia and Azerbaijan have been in conflict, and that both countries committed themselves to settle the conflict through peaceful means upon accession to the Council of Europe in January 2001.
2. The Assembly has dealt with many aspects of the conflict over the years, in particular in [Resolution 1047 \(1994\)](#) and [Recommendation 1251 \(1994\)](#) “Conflict in Nagorno-Karabakh”, in [Resolution 1416 \(2005\)](#) “The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference” and in [Resolution 2391 \(2021\)](#) and [Recommendation 2209 \(2021\)](#) “Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict”. It notes that Azerbaijan regained control of parts of its territory after a 44-day war, which ended with a Trilateral Statement signed on 9 November 2020 by President of the Republic of Azerbaijan Ilham Aliyev, Prime Minister of the Republic of Armenia Nikol Pashinyan and President of the Russian Federation Vladimir Putin.
3. The Assembly welcomes the mutual recognition of the territorial integrity of Armenia and Azerbaijan and sees this as the first steps towards the end of a conflict which has already caused too many deaths and tragedies on both sides.
4. Following the 2020 war, which has allowed Azerbaijan to reclaim part of its territory by force, the Assembly is very concerned that that country’s leadership has not made any effort to reassure the Armenian population living on this territory that they are welcome to stay and continue living their lives there. On the contrary, the Assembly is extremely worried by events which have unfolded since the signature of the Trilateral Statement, and which culminated on 12 December 2022 with the interruption of the free and safe passage through the Lachin corridor and the subsequent deliberate cutting of electricity and gas supplies to the region.
5. While fully recognising Azerbaijan’s concern to ensure security within its territory and at its borders, the Assembly is struck by the fact that its leadership does not acknowledge the very serious humanitarian and human rights consequences stemming from the present situation.
6. The Assembly is well-aware that this is a situation with two totally opposed narratives. For this reason, and because it believes in the benefits of dialogue, it deeply deplores that the Rapporteur was not invited to Azerbaijan during his fact-finding visit, and was thus unable to travel to the Lachin corridor to see the situation on the ground and discuss further with the authorities of Azerbaijan.
7. The Assembly underlines that Azerbaijan has the responsibility to protect and ensure the security of everyone living within its internationally recognised borders and thus within its jurisdiction, pursuant to Article 1 of the European Convention on Human Rights (ETS No. 5), and believes that drawing international attention to the situation at the Lachin corridor and its human rights and humanitarian consequences is necessary in recalling this responsibility.

1. *Assembly debate* on 22 June 2023 (18th sitting) (see [Doc. 15796](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Paul Gavan). *Text adopted by the Assembly* on 22 June 2023 (18th sitting). See also [Recommendation 2256 \(2023\)](#).



8. Recognising that the absence of free and safe access through the Lachin corridor is part of a much broader issue, the Assembly is convinced that a humanitarian response alone is not sufficient and that a political solution is needed. Welcoming the negotiations underway between Armenia and Azerbaijan under the auspices notably of the European Union and the United States of America, the Assembly stresses that the current situation is not sustainable and may well lead to the Armenian population being forced to leave their homes and communities if there is no resolution to the conflict. In this context, it urgently calls for addressing the issues of the rights and security of the Armenian population of Nagorno-Karabakh through dialogue between Baku and Khakendi/Stepanakert and a neutral international involvement in any peace implementation mechanism to be put in place.
9. Noting the interim measures decided by the European Court of Human Rights on 21 December 2022 under Rule 39 of the Rules of the Court calling on the Government of Azerbaijan “to take all measures that are within their jurisdiction to ensure safe passage through the Lachin Corridor of seriously ill persons in need of medical treatment in Armenia and others who were stranded on the road without shelter or means of subsistence”, the Assembly calls on Azerbaijan to implement this decision with no further delay.
10. Noting that the International Court of Justice [ordered](#) Azerbaijan to urgently “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions”, the Assembly calls on Azerbaijan to also comply with this order urgently.
11. While noting that the mirror applications brought by Azerbaijan against Armenia were rejected by both international courts, the Assembly believes that Armenia must also play a role in de-escalating the tensions, and that it should be open to some form of international monitoring with the aim of assessing the veracity of Azerbaijan’s allegations regarding the illegal weapons being brought into Nagorno-Karabakh.
12. The Assembly calls on Azerbaijan to invite a Council of Europe delegation to visit the Lachin corridor and Nagorno-Karabakh for a fact-finding mission, to assess the situation on the ground. It also calls on Azerbaijan to let other international organisations access the region, including United Nations agencies, in particular the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), in line with their respective mandates and relevant principles regulating international humanitarian assistance.
13. The Assembly recognises the crucial role played by the International Committee of the Red Cross (ICRC) in transporting patients through the Lachin corridor, reuniting separated families and transporting medicines, medical equipment, seeds and food to the inhabitants of Nagorno-Karabakh, as far as it was able. It recognises, as a key point, that such interventions should not be required, and that the fact that they are is a clear evidence that there is no free and safe access through the Lachin corridor.
14. In the full recognition of Armenia’s and Azerbaijan’s territorial integrity, the Assembly calls Azerbaijan for a genuinely constructive and peaceful approach towards its neighbour Armenia and the Armenians living in Nagorno-Karabakh. It strongly encourages Azerbaijan to invest all efforts for a free and safe movement both ways along the Lachin corridor. In the meantime, it urges Azerbaijan to restore electricity and gas supplies without delay or impediment, and to agree with Armenians a new route for gas supplies and the electricity grid through Armenian and not Azerbaijani territory.
15. The Assembly is extremely worried by the hostile and threatening rhetoric used against Armenians at the highest level of Azerbaijan’s leadership and urges Azerbaijan to repudiate such rhetoric and take steps to tackle both hate speech, including by public and high-level officials, and hate crimes. To this end, Azerbaijan is encouraged to introduce and implement appropriate legislation with the assistance of the Council of Europe. The Assembly is also aware of hate speech being used by individuals in Armenia and likewise urges Armenia’s leadership to condemn such hate speech and the authorities to take appropriate measures to punish it.
16. Without anticipating the outcome of the peace negotiations, the Assembly believes that, regardless of the citizenship issue, which should in any case not be detrimental to the Armenians of Nagorno-Karabakh, innovative solutions could be found to protect the rights of the Armenians in Nagorno-Karabakh, within the toolbox provided by the Council of Europe, which includes standards, instruments and programmes. The Assembly therefore calls on Armenia and Azerbaijan to take full advantage of the existing standards, instruments and programmes related to the enjoyment of minority rights, language and education, cultural heritage, decentralisation and local self-government options.
17. The consequences of the absence of free and safe access through the Lachin corridor have shown that confidence-building measures would certainly be useful in addressing certain situations. The Assembly therefore recommends Armenia and Azerbaijan to engage in confidence building measures under the

auspices of the Council of Europe, notably with the involvement of medical doctors, journalists, youth and civil society. It also invites the Commissioner for Human Rights of the Council of Europe to offer her good services to establish and foster dialogue and co-operation between the Human Rights Defender of Armenia and the Commissioner for Human Rights of Azerbaijan.

18. As there is no one better placed, the Assembly invites both Armenian and Azerbaijani parliamentary delegations to discuss the possible steps towards the establishment of a conducive and fruitful dialogue based on topics of mutual interest, with a view to decreasing tensions and building sincere co-operation, which would help to dispel fears and mistrust.



Resolution 2509 (2023)¹

Provisional version

Transnational repression as a growing threat to the rule of law and human rights

Parliamentary Assembly

1. The assassination and dismemberment of a Saudi journalist, Jamal Khashoggi, inside Saudi Arabia's consulate in Istanbul in October 2018 brought transnational repression to light as a global phenomenon. The Parliamentary Assembly notes that there are four main methods of transnational repression:

- 1.1. direct attacks by which an origin State carries out a targeted physical attack against an individual abroad, such as assassinations, assaults, disappearances, physical intimidation, and violent forced renditions;
- 1.2. co-opting other countries to act against a target through detention, unlawful deportation, and other types of forced renditions, which are authorised through pro forma but meaningless legal procedures. This method includes misuse of Interpol Red Notices, extradition proceedings, and other forms of interstate legal assistance such as anti-money laundering and anti-terror financing measures;
- 1.3. mobility impediments such as passport cancellation and denial of consular services, preventing the target from travelling or causing them to be detained;
- 1.4. threats from a distance, including online intimidation or surveillance and coercion by proxy, in which a person's family, loved one, or business partner is threatened, imprisoned, or otherwise targeted.

2. Reportedly, the number of incidents of physical transnational repression committed since 2014 has reached 854 by the end of 2022. These acts were committed by 38 governments in 91 countries around the world. The most prolific perpetrators of transnational repression are, according to the non-governmental organisation Freedom House, the governments of China, Türkiye, Russian Federation, Egypt and Tajikistan.

3. The Assembly is alarmed about the number and gravity of acts of transnational repression committed in Europe, including on the territory of some member States. The most egregious example is the state-sponsored programme to pursue dissidents abroad implemented by the Russian Federation, which includes notorious targeted assassinations, such as the poisoning and killing of former intelligence officer Alexander Litvinenko in 2006 and the poisoning and attempted assassination of former intelligence officer Sergei Skripal and his daughter Yulia in 2018 (also known as the "Salisbury attack"); both occurred in the United Kingdom. With regard to Mr Litvinenko's targeted assassination, the European Court of Human Rights ("the Court") found in 2021 that the Russian Federation was responsible for the violation of his right to life under Article 2 of the European Convention on Human Rights (ETS No. 5, "the Convention"), after having established that the two persons who poisoned him in the United Kingdom were Russian agents. Furthermore, there is strong evidence connecting attacks and killings targeting Chechen dissidents living abroad to the Chechen Republic and its head, Ramzan Kadyrov.

1. *Assembly debate* on 23 June 2023 (19th sitting) (see [Doc. 15787](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Sir Christopher Chope). *Text adopted by the Assembly* on 23 June 2023 (19th sitting). See also [Recommendation 2257 \(2023\)](#).



4. The Assembly is also concerned about the fate of anti-war protesters and those fleeing forced military service in the Russian Federation, in the context of the Russian Federation's war of aggression against Ukraine and the wave of increasing repression within its borders. These people fleeing the Russian Federation may become new targets of Russian transnational repression, particularly if they are unable to resettle safely or face obstacles applying for asylum in other countries.

5. The Assembly is also extremely worried about Belarus. The diversion and forced landing in Minsk of Ryanair flight 4978 on 23 May 2021 to arrest journalist and opposition activist Roman Protasevich and his companion Sofia Sapega, using a false bomb threat, should be condemned as a particularly heinous form of transnational repression akin to air piracy. Belarus was reportedly responsible for 31% of the transnational repression incidents recorded in 2021. Some of the opposition leaders and protesters who fled Belarus following Aliaksandr Lukashenka's fraudulent re-election in 2020, particularly those who fled to the Russian Federation, were subject to unlawful deportations or renditions to Belarus, which shows how the Russian Federation facilitated Belarus' campaign of transnational repression.

6. The Assembly is concerned about the fact that Türkiye has also used some of the tools of transnational repression, particularly following the coup attempt of July 2016 and its consistent policy of pursuing amongst others anyone allegedly related to the "Gülen movement", which is referred to as the "Fetullahist Terrorist Organisation (FETÖ)" by the Turkish authorities. The Turkish campaign has been found to rely on renditions, abuse of extradition proceedings, Interpol Red Notices and anti-terror financing measures, and co-opting other States to deport or transfer persons unlawfully. In this respect, the European Court of Human Rights found that in 2018 the Republic of Moldova had illegally transferred seven teachers of Turkish nationality to Türkiye, circumventing all guarantees offered by domestic and international law and therefore breaching their right to liberty guaranteed by Article 5, paragraph 1, of the Convention. Similar findings have been made by the United Nations Working Group on Arbitrary Detention regarding transfers from other territories, including outside Europe. Turkish Government critics and journalists living in other member States have reportedly faced threats and intimidation, sometimes requiring police protection by the authorities of the host State.

7. The Assembly further notes that Azerbaijan has also been accused of using certain transnational repression techniques such as renditions and cross-border abductions, mainly against journalists. Some Azerbaijani journalists and opposition activists living abroad have reportedly been subject to threats and assaults. The European Court of Human Rights has recently found Azerbaijan responsible for an extra-legal transfer to Türkiye in circumvention of domestic and international law safeguards.

8. The Assembly condemns all forms and practices of transnational repression, including those directly performed by an origin State outside its borders and those where an origin State co-opts other States to act unlawfully against a targeted person in their own territory. It considers that these practices not only violate numerous non-derogable and fundamental human rights of the individuals targeted but are also a threat to the rule of law, democracy and national security of the States where those individuals live and have found refuge. Acts of transnational repression that are performed by member States and those that occur or have effects in their territories undermine the values and principles which the Council of Europe stands for.

9. The Assembly considers that acts of transnational repression constitute breaches of international human rights law, first and foremost of the Convention. It recalls that the Convention applies to extra-territorial violations and that targeted violations of the human rights of an individual by one Contracting State in the territory of another Contracting State undermine the effectiveness of the Convention both as a guardian of human rights and as a guarantor of peace, stability and the rule of law in Europe.

10. This also applies to extra-territorial violations perpetrated by a member State outside the Convention legal space. Extra-judicial killings, assaults, enforced disappearances, forced renditions and abductions violate Articles 2 (right to life), 3 (prohibition of torture) and 5 (right to liberty) of the Convention. Procedural obligations to investigate and punish the authors of such violations may arise with regard to the perpetrator State, the host State, or both. In addition, there is a duty of co-operation between member States in transnational cases involving serious breaches of human rights.

11. The Assembly recalls that host States have a positive obligation to protect individuals within their jurisdiction from acts of transnational repression, by providing specific protection to identified targets in case of real and immediate risks, and by not conniving in violations committed by foreign agents on their territory. Host States also have the obligation, in accordance with the principles of non-refoulement and legality, not to render, transfer, deport or extradite persons vulnerable to transnational repression, including through the use of extra-legal channels, particularly if there is a real risk of a violation of one of the core Convention rights by the requesting State.

12. Finally, other forms of non-physical transnational repression, such as online intimidation and surveillance, may violate rights such as the right to respect for private life guaranteed by Article 8 of the Convention. The misuse on politically motivated grounds of interstate legal co-operation mechanisms such as anti-money laundering and anti-terror financing measures may result in violations of the right to a fair trial guaranteed by Article 6 of the Convention and the right to property guaranteed by Article 1 of the Additional Protocol to the Convention (ETS No. 9). This may in turn lead to financial exclusion of targeted individuals and NGOs and effectively prevent them from conducting their human rights activities and participating in economic and social life.

13. The Assembly therefore considers that the Convention, as interpreted by the Court, provides a robust legal framework under which acts of transnational repression should be condemned, investigated and, if appropriate, punished by member States. For non-member States, such as Belarus, or former member States such as the Russian Federation, the Assembly recalls that similar obligations arise under the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which they are both parties.

14. The Council of Europe and its member and observer States should recognise that transnational repression is a global phenomenon attacking the foundations of democratic societies and the rule of law, and that strengthened and more co-ordinated action is needed to prevent and fight it.

15. The Assembly therefore calls on member States as well as other States in Europe that have reportedly engaged in transnational repression to:

15.1. carry out an effective investigation into all allegations of acts of transnational repression, particularly those concerning violations of the right to life, the prohibition of torture and the right to liberty such as killings, assassinations, enforced disappearances, assaults, ill-treatment, forced renditions, abductions and extra-legal transfers, and where appropriate, bring to justice those responsible for such acts, including any high-ranking officials;

15.2. in case of extra-legal transfers, including renditions, to obtain information from the requesting State on the situation of the individual concerned and envisage the possible application of the Council of Europe Convention on the Transfer of Sentenced Persons (ETS No. 112) or other treaties, which could permit the return of the individual in case of conviction;

15.3. ensure that victims of transnational repression receive adequate reparation for the harm suffered, including rehabilitation and compensation;

15.4. reinforce oversight and accountability mechanisms over the actions and powers of intelligence agencies and send a message from the highest political level of zero tolerance towards extra-legal transfers, renditions, abductions, and other serious forms of transnational repression;

15.5. as regards member States and the Russian Federation, execute the judgments of the European Court of Human Rights in which acts of transnational repression have been found to breach the Convention, by taking the necessary individual and general measures under the supervision of the Committee of Ministers.

16. The Assembly specifically calls upon Türkiye to end its intimidation of Bülent Keneş, to recognise and respect the decision of the Swedish Supreme Court and curtail its policy of using its veto on Sweden's membership to the North Atlantic Treaty Organisation (NATO) as a tool of transnational repression.

17. The Assembly further calls on all member and observer States, and States whose parliament enjoys partner for democracy with observer or partnership status with the Assembly, to:

17.1. establish an official definition of transnational repression to be used by all government agencies (law enforcement, intelligence services, migration and asylum) and be incorporated in their actions and procedures;

17.2. establish a specific mechanism to report or track domestic incidents of transnational repression occurring within their borders and identify the perpetrator governments;

17.3. review counterintelligence and law enforcement information-sharing practices to ensure that vulnerable individuals receive adequate warning and protection;

17.4. apply additional vetting to extradition requests, Red Notices and other forms of interstate legal assistance, including anti-money laundering and anti-terror financing measures, from the governments that are known to engage in transnational repression or have a track record of frequently misusing Interpol and other co-operation mechanisms;

- 17.5. consider further screening applications for diplomatic visas to avoid granting accreditation to diplomatic personnel who have harassed or intimidated exiles and diaspora members in the past, and expelling diplomats who have been directly involved in transnational repression incidents;
 - 17.6. impose targeted sanctions on perpetrators and enablers of transnational repression, using their Magnitsky-type laws or similar instruments, in accordance with [Resolution 2252 \(2019\)](#) “Sergei Magnitsky and beyond – fighting impunity by targeted sanctions”;
 - 17.7. take into account the record of transnational repression of origin States when deciding on asylum applications, respect the right to seek asylum under the 1951 United Nations Convention Relating to the Status of Refugees and the principle of *non-refoulement*;
 - 17.8. ensure that domestic laws provide the tools needed to apprehend, prosecute and punish perpetrators of transnational repression, including by increasing the penalties applicable and by exercising their criminal jurisdiction in cases where the acts of transnational repression have originated, occurred or produced effects in their territory, on the basis of the principles of territoriality, and active and passive personality;
 - 17.9. make use of Council of Europe and other international instruments on mutual legal assistance to the widest extent possible, in connection with investigations and criminal proceedings concerning acts of transnational repression perpetrated in Europe or elsewhere;
 - 17.10. restrict the export of surveillance technology to countries whose governments are known to engage in transnational repression, reiterate their commitment to privacy of communications and preservation of end-to-end encryption, and effectively investigate all cases of alleged digital transnational repression targeting persons living in their territory;
 - 17.11. ensure that human rights defenders and activists who engage with international organisations including the Council of Europe are better protected from the risk of transnational repression.
18. Regarding the abuse of Interpol, the Assembly refers to its [Resolution 2315 \(2019\)](#) “Interpol reform and extradition proceedings: building trust by fighting abuse” and calls on:
- 18.1. Interpol to:
 - 18.1.1. further improve transparency by disclosing data that would help to assess how effective its review mechanisms are and by clarifying how Interpol’s rules are interpreted, especially with regard to Article 2 of its Constitution which requires Interpol’s systems to be used in ways that are compatible with international human rights standards;
 - 18.1.2. further improve preventive and subsequent review of Red Notices and wanted persons diffusions;
 - 18.1.3. ensure the effectiveness of the reforms of the Commission for the Control of Interpol’s Files (CCF) to ensure better compliance with its decisions and directions, especially regarding the deletion of data;
 - 18.2. all member States to:
 - 18.2.1. work with the CCF and comply with its decisions, for instance by deleting data in national databases where the CCF has decided to delete a Red Notice or diffusion;
 - 18.2.2. help Interpol remove abusive Red Notices used against refugees and others in need of international protection, for instance by sharing information about their status with Interpol (with their consent);
 - 18.2.3. put in place effective safeguards to ensure that decisions on immigration and asylum applications are not influenced by abusive Red Notices or diffusions;
 - 18.2.4. support the internal review mechanisms of Interpol (Notices and Diffusions Task Force and the CCF) with additional funding and resources.
19. The Assembly invites the Commissioner for Human Rights of the Council of Europe to pay specific attention to transnational repression when engaging with human rights defenders and civil society, particularly exiles from the Russian Federation and Belarus.
20. The Assembly invites its General Rapporteur on the situation of human rights defenders to take into account the current trends and practices of transnational repression potentially targeting human rights defenders, including when they originate from non-member States.

21. The Assembly also invites the Court to fully apply and if need be develop its case law on extraterritorial jurisdiction to cover all possible acts of transnational repression having their origin or producing their effects in member States. There should be no protection gap against transnational repression committed within the Convention legal space.



Resolution 2510 (2023)¹

Provisional version

Closing the digital divide: promoting equal access to digital technologies

Parliamentary Assembly

1. As early as 2001, the Organisation for Economic Co-operation and Development (OECD) defined the “digital divide” as “the gap between individuals, households, businesses and geographic areas at different socio-economic levels with regard both to their opportunities to access information and communication technologies (ICTs) and to their use of the Internet for a wide variety of activities”.
2. Since then, the continued expansion of the fields in which these technologies are used has broadened the situations where they create inequalities, with the Covid-19 pandemic casting a harsh light on the problem. From the moment restrictions on the movement of people were imposed, digital communications quickly took on unprecedented importance in almost all areas of life. Commercial exchanges, contacts with public administrations, certain types of work, interactions with family, education, medical appointments: even in spheres where information technologies had until recently played a modest role, their place quickly expanded.
3. As the Secretary-General of the United Nations pointed out at the time, “the digital divide has become a matter of life and death for people who are unable to access essential healthcare information”. It is threatening to become the new face of inequality, reinforcing the social and economic disadvantages suffered by women and girls, the elderly and the young, ethnic minorities, socio-economically disadvantaged people, people with disabilities and people in particular situations such as prisoners, protected adults and asylum seekers.
4. Today, access to the internet and the material means required in order to be able to use it and proficiency in basic digital tools have become fundamental needs; digital exclusion is a major barrier to equality. Lack of access to digital technologies prevents those concerned from accessing public services, education and many of the opportunities that life has to offer. Awareness of this must spur us to act now to adopt a truly inclusive approach to the digital realm.
5. People already suffering from inequality and discrimination and struggling to make their voices heard are left even more exposed by the digital divide. As policy makers, we stand at a crossroads today: we can either continue to let technologies exacerbate existing disparities, or harness these technologies to build a safer, more sustainable, more equitable future for all.
6. The digital transition cannot take place without State support. In order to ensure equal access to rights in an increasingly digitalised world, States must take steps to combat digital illiteracy and to provide effective support to all those who are not proficient, or not yet sufficiently proficient, in digital technologies. They must guarantee equal access for all to education and careers in science, technology, engineering and mathematics, and see to it that everyone has access to the infrastructure and tools needed in order to fully exercise their rights and participate in society on an equal footing. They must ensure that digital technologies, tools and services that are essential to citizens' lives remain affordable for their users and that efforts are made to limit their environmental impact. As it can prove particularly difficult for some children with disabilities to follow online education, States must provide the tools and mechanisms necessary to ensure that these children enjoy equal and unhindered access to such education, particularly in times of crisis.

1. *Assembly debate* on 23 June 2023 (19th sitting) (see [Doc. 15776](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Edite Estrela). *Text adopted by the Assembly* on 23 June 2023 (19th sitting).



7. The Parliamentary Assembly further underlines that authorities have a special responsibility in this area when they themselves set about digitalising public services. In fact, while objectives such as rationalising administrative costs, simplifying the management of casefiles or improving the efficiency or speed with which cases are processed may be legitimate, under no circumstances should those who do not have ready access to digital technologies be left behind in the pursuit of those goals. To do so would deprive them of access to their rights and constitute an infringement of the obligation to ensure continuity of public services.

8. The Assembly refers to the texts which it has already adopted and which provide important solutions in this area, in particular [Resolution 2256 \(2019\)](#) “Internet governance and human rights”, [Resolution 2343 \(2020\)](#) “Preventing discrimination caused by the use of artificial intelligence” and [Resolution 2144 \(2017\)](#) “Ending cyberdiscrimination and online hate”. It also draws States’ attention to General Recommendation No. 1 of the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) on the digital dimension of violence against women, which contains crucial recommendations for governments, to ensure that the measures they take to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, “Istanbul Convention”) fully reflect the digital dimension of the situations covered by the Istanbul Convention.

9. In the light of these considerations, and in order to remedy the inequalities that already exist in this area and prevent them from deepening further, the Assembly calls on Council of Europe member and observer States, as well as on all States whose parliaments enjoy partner for democracy status to:

- 9.1. treat all policies for combating the digital divide as a priority;
- 9.2. focus in these policies on making digital technologies, tools and services inclusive, equitable, accessible, affordable and safe for all;
- 9.3. provide strong, structured and sustainable support to local initiatives that seek to achieve these aims, in order to avoid leaving behind all those who do not know how to use digital technologies, or who do not want to;
- 9.4. ensure that policies to combat the digital divide are accompanied by adequate funding;
- 9.5. subject these policies to regular scrutiny by national parliaments;
- 9.6. remove any obstacles that prevent some children with disabilities from enjoying equal access to education when the latter is based on digital tools and technologies.

10. As regards the development of mobile telephone and high or very high speed internet services, the Assembly, referring to [Resolution 2256 \(2019\)](#) mentioned above, recommends that States:

- 10.1. implement national public investment policies which are coherent, with the objective of ensuring universal access to the internet;
- 10.2. aim in particular to remedy geographical imbalances (for example between urban and rural or remote areas);
- 10.3. implement policies for deploying networks that make it possible to achieve this objective.

11. As regards combating digital illiteracy and ensuring access to education and careers in science, technology, engineering and mathematics, the Assembly calls on States to:

- 11.1. consider the provision of digital training for everyone, regardless of gender, age, social status, economic situation, disability and any other personal characteristic, as an investment;
- 11.2. promote access for all to studies and careers in science, information technology, engineering and mathematics, along the lines already set out by the Assembly in [Resolution 2343 \(2020\)](#) mentioned above;
- 11.3. provide continuing training and make it accessible, so that the entire population can enjoy the benefits of digital tools;
- 11.4. ensure equal access to seed funding, venture capital funding and the acquisition of business skills in the field of digital technologies.

12. As regards the digitalisation of public services, and bearing in mind that exercising rights online requires the user to have, *inter alia*, an adequate internet connection, device, storage capacity, operating system and paid-up subscription, and public services to have correctly functioning devices, servers and tools that take into account the full variety of situations of all potential users, the Assembly calls on States to:

12.1. move from a logic of 100% digital public services to a logic of 100% accessibility of these services, including through maintaining non-digital access to public services wherever necessary to ensure equality of access to and continuity of public services and their adaptation to users;

12.2. take into account, from the first steps in designing any new online service, the needs of and obstacles faced by all potential users of the service, in order to guarantee equal access for all;

12.3. ensure that individuals always have access to proper support in carrying out their administrative procedures, not only to complete and submit online forms but also to get advice from public service staff able to answer specialised questions about the rights and procedures in question;

12.4. develop free internet access points as well as services to support individuals in carrying out their administrative procedures online;

12.5. promote the development of a chain of production, reuse and repair of digital devices and tools, provided that they work properly and are available at an affordable price;

12.6. guarantee to each individual the possibility of correcting, through simple and accessible procedures, any error in the data concerning them and in procedures carried out online.

13. With around 3.6 billion people in the world having no access to internet, the Assembly further considers that States must take into account in development aid measures the importance of reducing the digital divide as a means of facilitating the achievement of the Sustainable Development Goals.