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**TEXTS ADOPTED
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Table of contents

Recommendations

Recommendation 2244 (2023)	Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe (Doc. 15591)
Recommendation 2245 (2023)	The Reykjavik Summit of the Council of Europe: United around values in the face of extraordinary challenges (Doc. 15681)
Recommendation 2246 (2023)	Environmental impact of armed conflicts (Doc. 15674)
Recommendation 2247 (2023)	The Istanbul Convention: progress and challenges (Doc. 15673)

Resolutions

Resolution 2475 (2023)	Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe (Doc. 15591)
Resolution 2476 (2023)	Conflict-related sexual violence (Doc. 15677)
Resolution 2477 (2023)	Environmental impact of armed conflicts (Doc. 15674)
Resolution 2478 (2023)	Contact tracing applications: ethical, cultural and educational challenges (Doc. 15648)
Resolution 2479 (2023)	The Istanbul Convention: progress and challenges (Doc. 15673)
Resolution 2480 (2023)	The role and responsibility of men and boys in stopping gender-based violence against women and girls (Doc. 15678)
Resolution 2481 (2023)	Finding solutions for marital captivity (Doc. 15679)
Resolution 2482 (2023)	Legal and human rights aspects of the Russian Federation's aggression against Ukraine (Doc. 15689)
Resolution 2483 (2023)	The progress of the Assembly's monitoring procedure (January-December 2022) (Doc. 15682)
Resolution 2484 (2023)	The honouring of obligations and commitments by the Republic of Moldova (Doc. 15680)
Resolution 2485 (2023)	Emergence of lethal autonomous weapons systems (LAWS) and their necessary apprehension through European human rights law (Doc. 15683)
Resolution 2486 (2023)	Building the Open Council of Europe Academic Networks (OCEAN) (Doc. 15675)

Recommendations
2244 to 2247



Recommendation 2244 (2023)¹

Provisional version

Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2475 \(2023\)](#) “Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe”.
2. The Assembly recalls its support for the Council of Europe Counter-Terrorism Strategy (2018-2022), which has covered issues such as the gathering of evidence from conflict zones for the purpose of criminal prosecution, the prosecution of foreign terrorist fighters, deradicalisation, disengagement and social reintegration and the roles of women and children in terrorism.
3. The Assembly welcomes the adoption by the Committee of Ministers of its Recommendation CM/Rec(2022)8 to member States on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences.
4. The Assembly invites the Committee of Ministers to:
 - 4.1. draft a recommendation on deradicalisation, disengagement and social reintegration of those involved in terrorist offences, on the basis of the ongoing collection of good practices from member States by the Council of Europe Committee on Counter-Terrorism (CDCT);
 - 4.2. consider inviting the CDCT to examine the issue of cumulative prosecution of foreign terrorist fighters, for terrorism and other crimes under international criminal law and international humanitarian law, and also consider the interaction between anti-terrorism legislation and these branches of international law, and draft guidelines in this field;
 - 4.3. encourage all member States to participate in setting up a special international tribunal or hybrid tribunal with jurisdiction over international crimes committed by Daesh foreign fighters, on condition that it may not impose the death penalty, and examine ways and means for the Council of Europe as a whole to play an active role in setting up and operating such a tribunal.
 - 4.4. make it incumbent on the States to guarantee that children who are nationals of those States are not deprived of their nationality and may return with at least one of their parents. The conditions of reception, including in the context of criminal justice, must as far as possible keep separation of child and parent(s) to a minimum where this is in the child’s best interest, and they must be applied on a “case-by-case” basis.

1. *Assembly debate* on 23 January 2023 (2nd sitting) (see Doc. 15591, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pieter Omtzigt; and Doc. 15672, opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 23 January 2023 (2nd sitting).





Recommendation 2245 (2023)¹

Provisional version

The Reykjavik Summit of the Council of Europe: United around values in the face of extraordinary challenges

Parliamentary Assembly

1. Europe is facing extraordinary challenges. The Russian Federation's large-scale, protracted and brutal aggression against Ukraine is an affront to all the principles the Council of Europe stands for and to the foundations of the European multilateral architecture which has been built to avoid repeating the atrocities of the Second World War. Russia's full-scale military aggression against Georgia in 2008 and subsequent occupation of Georgia's regions is part of the same aggressive policy, blatantly violating fundamental principles and norms of international law and rules-based international order.
2. The return of a large-scale war of aggression in Europe highlights that the solidity and resilience of European democracies, their respect for human rights and their adherence to the rule of law are the best guarantees for each other's prosperity, security and peaceful future. In this defining moment of European history, Council of Europe member States, at the highest political level, should reaffirm their unity around common values and their unfaltering commitment to multilateralism based on international law.
3. The Parliamentary Assembly, therefore, hails the decision of the Committee of Ministers to convene the 4th Summit of the Heads of State and Government of the Council of Europe in Reykjavik on 16-17 May 2023. It commends the endeavours by the Irish and the Icelandic presidencies of the Committee of Ministers to achieve this result and expresses great appreciation for the role of the Secretary General, including her initiative, at the invitation of the Committee of Ministers, to set up a High-Level Reflection Group. The Assembly welcomes the report of the High-Level Reflection Group as a significant contribution to the effort of reflection which is currently under way to prepare the Summit and supports its general thrust and main proposals.
4. While Ukraine and Ukrainians are the direct victims of the illegal, unjustified and unjustifiable aggression by the Russian Federation, its repercussions are felt worldwide. Europeans have started to pay the price of the war through higher living costs and an impending economic recession which will affect their lives as they emerge from the first waves of the Covid-19 pandemic. This may contribute to further eroding trust in political systems and institutions, reinforcing the downward trend of the past few years.
5. How to bridge the gap between people's expectations and public delivery is a further test for European democracies. People are calling for their rights to be protected, including against abuses by their own authorities. They demand a healthy environment and action against climate change. They want technology to improve the quality of their lives without controlling them. People demand to have a greater say in political decision making and participate in the democratic processes, beyond elections. They understandably expect politics and public institutions to be free from corruption. They care deeply for justice, greater equality and inclusion, and better socio-economic prospects for themselves and future generations.

1. *Assembly debate* on 24 January 2023 (4th sitting) (see [Doc. 15681](#) and [addendum](#), report of the Committee on Political Affairs and Democracy, rapporteur: Ms Fiona O'Loughlin). *Text adopted by the Assembly* on 24 January 2023 (4th sitting).



6. The 4th Summit should have the ambition to set out a forward-looking agenda for the Council of Europe, putting people's interests, concerns and expectations back to the forefront of the mission of the Organisation.

7. The Assembly therefore recommends that the Committee of Ministers prepare a Political Declaration and an Action Plan to be endorsed by the Heads of State and Government of the Council of Europe during the forthcoming Summit, with a view to providing a new strategic vision, a fresh political impetus and new responses in the face of the present extraordinary challenges.

8. United around common values, the Heads of State and Government of the Council of Europe should:

8.1. affirm their unwavering support for the sovereignty, independence and territorial integrity of Ukraine within its internationally recognised borders and stand in solidarity with Ukraine and Ukrainians;

8.2. condemn the Russian Federation's aggression against Ukraine as a serious violation of international law and a threat to international peace and security which has also resulted in gross and serious violations of international humanitarian law and international human rights law and inflicted intensive damage and suffering to the victims and entire Ukrainian people as well as endangered and continues to endanger peace and security in Europe and the world;

8.3. take a comprehensive approach to the issue of accountability of the Russian Federation in relation to the aggression against Ukraine, by ensuring that no gaps at level of international and national accountability efforts persist and impunity is fully prevented, taking into account the urgency of the matter and pressing need for action and in particular:

8.3.1. support and lead the initiative to set up an ad hoc international criminal tribunal to investigate and prosecute the crime of aggression committed by the political and military leadership of the Russian Federation and call on the Council of Europe and the member States to provide concrete expert and technical assistance in its setting up and also call on the Council of Europe to have an active leading role in the establishment of such an ad hoc international criminal tribunal;

8.3.2. support the work of international courts and national courts having a mandate to investigate and prosecute genocide, war crimes, international humanitarian law violations and crimes against humanity committed in the context of the aggression;

8.3.3. support the setting up of a comprehensive international compensation mechanism, including a register of the damage caused by the Russian aggression;

8.4. reaffirm that the pursuit of peace based upon justice and international co-operation is a vital precondition for the preservation of human society and civilisation;

8.5. confirm their commitment to rules-based multilateralism as the pivot of the international order;

8.6. reiterate their mutual engagement to make it possible for Europe to be a vast area of democratic security, echoing the words of the Vienna Declaration which concluded the 1st Summit of Heads of State and Government of the Council of Europe in 1993.

9. The 4th Summit should ensure that the Council of Europe steps up its support to Ukraine, immediately and after the end of the war of aggression. Well-functioning democratic institutions, respect for the rule of law and compliance with democratic standards together with stronger European integration are the best guarantee for the democratic security of Ukraine and Europe, and are as essential as the reconstruction effort. Steps should be taken to increase the profile and visibility of the Council of Europe's substantial assistance to and co-operation with Ukraine, as well as to ensure enhanced co-ordination and co-operation with other relevant international organisations, through the establishment of a Special Co-ordinator, under the authority of the Secretary General.

10. It should also demand that the Russian Federation withdraw from the territories of Georgia, the Republic of Moldova and Ukraine which are illegally occupied and under its control; reiterate the applicability of the European Convention on Human Rights (ETS No. 5) and other Council of Europe human rights treaties in these territories; encourage the Council of Europe to maintain contacts with civil society, non-governmental organisations, human rights defenders and independent journalists on the ground and to support other international human rights mechanisms which are accessible to people in these areas, including under the aegis of the Organization for Security and Co-operation in Europe (OSCE) and the United Nations.

11. Reaffirming the role of the Council of Europe as the leading intergovernmental organisation in Europe for all matters relating to human rights, democracy and the rule of law, the Heads of State and Government of the Council of Europe should reiterate its pan-European vocation, unity and its nature as a community of values, which can be a beacon for anybody who promotes or aspires to human rights, democracy and the rule of law, wherever they are. In this context, the Summit should express support for a policy of openness towards Belarusian and Russian individuals, groups and organisations who unequivocally uphold Council of Europe values and principles.

12. The Summit should further develop the Council of Europe role as a political community by enhancing the political dimension of its work and ensuring an efficient articulation of functions and responsibilities with other institutions of the multilateral architecture. In this regard, it should aim to upgrade the strategic partnership between the Council of Europe and the European Union, in line with Assembly [Resolution 2430 \(2022\)](#) “Beyond the Lisbon treaty: strengthening the strategic partnership between the Council of Europe and the European Union”, by:

12.1. giving a decisive push for finalising the negotiations for European Union accession to the European Convention on Human Rights;

12.2. inviting the European Union to join other Council of Europe instruments, including the Revised European Social Charter (ETS No. 163), the Council of Europe Convention on preventing and combating violence against women and domestic violence (ETS No. 210, “Istanbul Convention”) and the partial and enlarged agreement establishing the Group of States against Corruption (GRECO);

12.3. enhancing political dialogue and co-operation, especially in the area of the rule of law;

12.4. calling on the European Union to envisage a structured role for the Council of Europe in the context of the European Union enlargement process;

12.5. laying the ground for a revision of the Memorandum of Understanding between the Council of Europe and the European Union.

13. The Summit should acknowledge the Council of Europe’s contribution to global governance and encourage the Organisation to project its values and standards beyond its membership, strengthening co-operation with interested States and organisations, whether in its geographical neighbourhood or its political proximity. It should seek to profile the Council of Europe as a closer partner for the United Nations, its agencies and mechanisms with a view to supporting global governance, rules-based multilateralism and the achievement of the Sustainable Development Goals.

14. While democracy, human rights and the rule of law should remain its main objectives and areas of expertise, the Council of Europe should be renewed, strengthened and given new means to have an impact and stay ahead of developments, keeping up with societal change and citizens’ demands.

15. As regards human rights, the Heads of State and Government of the Council of Europe should commit to safeguarding and further strengthening the Convention system, including by:

15.1. reaffirming the binding nature of the European Court of Human Rights’ judgments and decisions on interim measures and their primacy over those of national jurisdictions;

15.2. further strengthening the execution of judgments by strengthening relevant co-operation activities and introducing a procedure for enhanced political dialogue in cases of non-compliance;

15.3. acknowledging and promoting the role of national parliaments, national human rights institutions and civil society organisations in monitoring compliance with the Convention and the Court’s judgments.

16. With a view to responding to widespread and pressing public demands for governments to tackle climate change and prioritise long-term environmental sustainability over immediate economic concerns, climate change should be a separate item on the agenda of the Summit, allowing the Heads of State and Government of the Council of Europe to:

16.1. take the lead as Council of Europe to establish environmental protection as a right while reiterating the commitment to reduce global greenhouse gas emissions to limit the global temperature increase, in line with the Paris Agreement;

16.2. support the drafting a Council of Europe legally binding framework to guarantee the right to a clean, healthy and sustainable environment, in line with Assembly [Resolution 2396 \(2022\)](#) “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”, unanimously adopted by the Assembly;

16.3. ask for the creation of a Council of Europe committee acting as a platform to share information, promote best practice, provide legal advice and develop tools for evaluating policies and legislation in the area of environmental protection and the fight against climate change.

17. The Heads of State and Government of the Council of Europe should acknowledge and give a new impulse to the pioneering role of the Council of Europe in human rights protection and to its capacity to set legal standards, promote best practice and support domestic reform efforts in emerging areas of concern, including new generation rights. They should back the Council of Europe work in the areas of artificial intelligence, data protection, gender equality and protection against gender-based violence and discrimination.

18. Greater emphasis on social rights, which form an indivisible part of human rights, would enable the Council of Europe to address one of the main root causes of the backsliding of democracy, a worrying trend which has been witnessed in recent years. To tackle this phenomenon, the Summit should also support an expansion of the Council of Europe's activities aimed at enhancing citizens' trust in democratic processes and public institutions, namely as regards:

18.1. strengthening good governance and the respect of the rule of law;

18.2. enhancing the quality and professionalism of the public administration;

18.3. strengthening the independence of the judiciary;

18.4. fighting against corruption;

18.5. reinforcing local democracy;

18.6. expanding opportunities for civil participation and deliberative democracy in public decision making;

18.7. tackling discrimination, intolerance and exclusion;

18.8. ensuring the integrity, resilience and adaptability of electoral processes and making sure that they are inclusive, representative and participatory.

19. Heads of State and Government should reiterate their commitment to protecting the rights of persons belonging to national minorities, which is a key aspect of human rights protection and democratic participation, and a precondition for peace and democratic security. The Summit should set out closer co-operation between the Council of Europe and the European Union in this area, including in the evaluation of EU candidate countries based on the Copenhagen criteria and the relevant standards developed by the Council of Europe.

20. Furthermore, in order to strengthen the coherence, impact and visibility of the Organisation's activities in the area of democracy and the rule of law, the Summit should:

20.1. ask for the elaboration of a democracy checklist identifying the essential criteria which govern a well-functioning democracy, to be used by member and other States as a reference document;

20.2. envisage the establishment of a Council of Europe Commissioner for Democracy and the Rule of Law as an independent body elected by the Assembly, entrusted with means and capacity for engaging systematically in a permanent dialogue with member States, providing early warning and rapid reaction, as well as offering relevant assistance, in close co-operation with key parts of the Council of Europe Secretariat and institutions, including the Congress of Local and Regional Authorities, to help strengthen the democratic model throughout Europe.

21. The Summit should ensure that the Council of Europe puts people at the centre by:

21.1. mainstreaming a youth perspective in all its activities;

21.2. creating new channels for civil society, non-governmental organisations and national human rights institutions to provide meaningful input into the work of the Organisation, especially in its dimensions of standard-setting, monitoring and co-operation;

21.3. adopting more open and transparent working methods;

21.4. introducing a communication policy which effectively conveys the aims, objectives and impact of the Council of Europe to the wider public.

22. With a view to ensuring that the Council of Europe can count on the financial resources to effectively carry out its mission, the Heads of State and Government of the Council of Europe should:
- 22.1. make a political commitment to increase the ordinary budget of the Council of Europe, in real terms;
 - 22.2. ask the Committee of Ministers to review the scales of the contributions from member States with a view to raising the minimum contribution and ensuring greater fairness in the way in which member States finance the Organisation;
 - 22.3. invite the Committee of Ministers to explore the possibility of the European Union contributing to the Council of Europe ordinary budget, in light of the strategic partnership between the two Organisations.
23. The Assembly invites the Committee of Ministers and the Secretary General, within their respective competences, to translate the political guidance of the Summit into appropriate implementing measures and administrative reforms.
24. The Assembly recommends that the Committee of Ministers closely associate it to the process of reflection and preparation leading up to the Summit and to its follow-up, in continuation of the climate of dialogue and co-operation with the Committee of Ministers, the Secretary General and the other Council of Europe bodies and institutions.
25. On its part, the Assembly resolves to continue to support the process and commits to taking into account the political guidance of the Summit in its work.



Recommendation 2246 (2023)¹

Provisional version

Environmental impact of armed conflicts

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2477 \(2023\)](#) “Environmental impact of armed conflicts” and underscores the role of the Council of Europe as a guardian of human rights and the rule of law in times of peace and war. It deplores the devastating effects that armed conflicts have on the environment as a source of living and insists on the co-application of human rights and humanitarian law during times of armed conflict, as confirmed by the United Nations Human Rights Committee and the European Court of Human Rights.
2. The Assembly moreover underlines the indivisibility of human rights and considers that, with the increased acceptance that the right to a healthy environment constitutes a human right, the member States of the Council of Europe should take ambitious measures to improve the legal framework to adequately protect human living space, the environment, and the human right to life and to a healthy environment in the context of armed conflict.
3. The Assembly therefore recommends that the Committee of Ministers:
 - 3.1. urge member and observer States to ratify the United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environment Modification Techniques (ENMOD convention) and the Additional Protocol to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I), if they have not yet done so;
 - 3.2. mandate a competent body to study the feasibility of drafting a new regional legal instrument or treaty under the Council of Europe’s auspices, with a view to identifying and filling the gaps identified in the existing legal regime for the protection of the environment and human rights to life and to a healthy environment in armed conflicts, wartime or occupation (notably regarding the damage threshold, the characterisation of intent, behaviours that must be sanctioned, entities that should be held liable, enforcement, the scale of liability and proper interpretation of the principles of proportionality, military necessity, and due diligence);
 - 3.3. urge member and observer States to make changes to the existing conventions on the environmental protection of certain areas and to propose mechanisms for the implementation of their principles and for monitoring and reporting on the conventions in times of armed conflicts;
 - 3.4. mandate the governing body of the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, “Bern Convention”) to elaborate recommendations regarding the protection of environmentally sensitive areas during armed conflicts, to study the feasibility of an additional Protocol to the Convention to this end, and to consider creating a review mechanism to ensure that the recommendations are implemented by States parties (notably, transposed into domestic law, incorporated into military doctrine, and shared broadly with a view to developing good practice);

1. *Assembly debate* on 25 January 2023 (5th sitting) (see [Doc. 15674](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr John Howell). *Text adopted by the Assembly* on 25 January 2023 (5th sitting).



- 3.5. ensure that the revised Council of Europe Convention on the Protection of Environment through Criminal Law (ETS No. 172) applies also in the context of armed conflicts, wartime or occupation, and covers ecocide;
- 3.6. allocate sufficient means to ensure proper monitoring and implementation of commitments under the Council of Europe treaties, in particular the Bern Convention and the Landscape Convention (ETS No. 176);
- 3.7. promote and disseminate the United Nations principles on the protection of the environment in relation to armed conflicts;
- 3.8. support the creation of a permanent international mechanism to monitor legal infringements and address compensation claims for environmental damage resulting from armed conflicts;
- 3.9. encourage the European Court of Human Rights to use the functional impact-model with jurisdiction whenever the question of the extraterritorial application of human rights arises in situations of armed conflict or occupation;
- 3.10. encourage member States to map areas of particular environmental importance or sensitivity in anticipation of any form of armed conflicts and to foresee the demilitarisation of such areas, in case a military conflict breaks out;
- 3.11. call on member States to update their legal arsenal to criminalise and effectively prosecute ecocide, to establish domestic and/or regional solutions to provide relief to environmental refugees fleeing a military conflict, and to take concrete steps to propose amendment of the Rome Statute of the International Criminal Court in order to add ecocide as a new crime;
- 3.12. elaborate upon the recommendations to the member States about the protection of critical infrastructure.



Recommendation 2247 (2023)¹
Provisional version

The Istanbul Convention: progress and challenges

Parliamentary Assembly

1. Referring to its [Resolution 2479 \(2023\)](#) “The Istanbul Convention: progress and challenges”, the Parliamentary Assembly congratulates the Committee of Ministers for its constant support for the Convention on the Protection and Prevention of Violence against Women and Domestic Violence (CETS No. 210, “Istanbul Convention”), which has contributed to its ratification by 37 member States to date.
2. In the light of the absolute need to do more to eliminate violence against women and domestic violence by promoting the Istanbul Convention, as a unique and essential tool in shaping preventive and protective legislation and policies and punishing perpetrators of gender-based violence, as well as of the need to dispel deliberate misrepresentations of the treaty, the Assembly calls on the Committee of Ministers to:
 - 2.1. promote ratification of the Istanbul Convention in those countries having not yet ratified it, and to encourage States having ratified it to lift any reservations made on accession where this is possible;
 - 2.2. promote feminist foreign policies as a means to attain more representative, inclusive policy making and multilateral action in combating gender-based violence on the basis of the normative international framework;
 - 2.3. in continuity with the recommendations made in October 2022 by the High-level Reflection Group on the Council of Europe’s role in responding to new realities and challenges facing Europe and the world, ensure that priority is given in the Action Plan of the 4th Summit of Heads of State and Government of the Council of Europe in May 2023 to combating violence against women and domestic violence through the implementation of the Istanbul Convention;
 - 2.4. take action to ensure implementation of the Dublin Declaration of Council of Europe Ministers on the prevention of domestic, sexual and gender-based violence adopted in September 2022;
 - 2.5. ensure that the new Gender Equality Strategy (2024-2029) gives priority to combating and preventing violence against women, building on the successes of the current strategy 2018-2023;
 - 2.6. give renewed support to the Council of Europe’s activities on gender equality and on combating violence against women, as well as the Assembly’s Parliamentary Network Women Free from Violence, including through financial contributions by member States.
3. Finally, the Assembly proposes a new Organisation-wide awareness-raising campaign on the aims and impact of the Istanbul Convention and its contribution towards women’s rights and gender equality in Europe.

1. *Assembly debate* on 25 January 2023 (6th sitting) (see [Doc. 15673](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Zita Gurmai). *Text adopted by the Assembly* on 25 January 2023 (6th sitting).



Resolutions
2475 to 2486



Resolution 2475 (2023)¹

Provisional version

Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Resolution 2091 \(2016\)](#) “Foreign fighters in Syria and Iraq” and [Resolution 2190 \(2017\)](#) “Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh”. It reiterates its position that “individuals who act in the name of ... Daesh... have perpetrated acts of genocide and other serious crimes punishable under international law” and that “there is conclusive evidence that Daesh has committed genocidal acts against members of the Yazidi, Christian and non-Sunni Muslim minorities”. Many of these acts, such as enslavement, sexual slavery, rape, imprisonment, torture and murder, also amounted to war crimes and crimes against humanity.
2. It notes that both the United Nations Commission of Inquiry on Syria in 2016 and the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) in 2021 concluded that Daesh committed genocide against the Yazidis. The UNITAD has also identified evidence of crimes committed against other groups, such as Shia, Christians and other communities.
3. Numerous national parliaments have also formally condemned Daesh’s actions as genocide or crimes against humanity. Several criminal courts in Council of Europe member States have convicted Daesh members for terrorism-related offences, war crimes and crimes against humanity committed in Syria and Iraq. In 2021 a German court convicted an Iraqi Daesh member for genocide, crimes against humanity and war crimes, for cuffing a five-year-old Yazidi girl to a window in the scorching heat and letting her die in front of her mother, motivated by the intent to eliminate the Yazidi religious minority. This is the first time that a court, anywhere in the world, has recognised as genocidal a crime committed against a Yazidi victim.
4. The Assembly also recalls that States have a general obligation under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention) to prevent and punish acts of genocide, including complicity in genocide. According to the International Court of Justice, the duty of prevention requires a State to employ all means reasonably available, taking into account its capacity to influence effectively the actions of persons likely to commit, or already committing genocide. States therefore have a legal obligation to prevent genocide the very moment a State learns or should normally have learned of the serious risk of genocide, for instance by preventing the travel, recruitment and financing of foreign terrorist fighters who joined Daesh and who were likely to participate in the commission of genocide, and effectively prosecuting the perpetrators as a means to deter further crimes.
5. Since the outbreak of the Syrian armed conflict in 2011, thousands of foreigners from all over the world joined Daesh in Syria and Iraq, including with their families. A considerable number of European citizens were among them. In response to the phenomenon of foreign terrorist fighters, United Nations Security Council

1. Assembly debate on 23 January 2023 (2nd sitting) (see [Doc. 15591](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pieter Omtzigt; and [Doc. 15672](#), opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly on 23 January 2023 (2nd sitting).*

See also [Recommendation 2244 \(2023\)](#).



Resolution 2178 (2014) established and reinforced international obligations to prevent and criminalise the travel, recruitment, and financing of foreign terrorist fighters. It also called on States to develop and implement prosecution, rehabilitation and reintegration for returning foreign terrorist fighters.

6. The Council of Europe reacted by adopting the 2015 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217), becoming the first international organisation to set up a regional legal instrument to implement the obligations imposed by the United Nations regarding foreign terrorist fighters. However, this protocol, which came into force on 1 July 2017, has to date been ratified by only 24 member States.

7. Although some Daesh foreign fighters voluntarily returned to their countries in Europe or Central Asia, thousands of them, including European citizens and accompanying family members, remained in Iraq and Syria. Many are now held in detention in camps and prisons in northeast Syria, under the authority of the Autonomous Administration of North and East Syria, and Iraq. In Syria, the autonomous administration courts reportedly try only Syrian Daesh detainees but not foreigners (Iraqi and European). Those interned in camps, including children, live in substandard conditions, exposed to violence, sexual abuse and (further) radicalisation. Those held in Iraq are unlikely to receive a fair trial in compliance with international human rights standards and risk being sentenced to the death penalty. In addition, Iraq has not yet incorporated international crimes in its domestic legislation, and Iraqi courts therefore can only prosecute suspected Daesh fighters under anti-terrorism legislation.

8. The Assembly considers that the continued detention of Daesh foreign fighters in Syria or Iraq is untenable. Their prosecution in Syria or Iraq is currently not an adequate and human rights-compliant solution. It may also be counter-productive in terms of security concerns, given the risk of further radicalisation by Daesh in camps and the recurrence of prison breakouts, which may lead to an increase in the number of foreign fighters returning to Europe. Council of Europe member States should therefore reconsider their position that national Daesh fighters should primarily be tried in the countries where the crimes were committed.

9. The Assembly is convinced that the best solution would be the prosecution of Daesh foreign fighters before an international tribunal, given the international nature of the crimes committed, including genocide, and also given that Daesh fighters come from over 100 countries. Neither Syria nor Iraq are Parties to the International Criminal Court (ICC) and the ICC Prosecutor declined in 2015 to open a preliminary examination in relation to offences allegedly committed by nationals of States Parties to the Rome Statute of the ICC. There is a proposal for a hybrid tribunal within Iraqi national courts with assistance from international experts, as set out in Assembly [Resolution 2190 \(2017\)](#), but this has not yet received the necessary political support from the Iraqi authorities. The Assembly thus regrets that there is still no international or hybrid judicial mechanism capable of trying Daesh fighters for international crimes committed in Syria and Iraq.

10. Pending the setting up of an international or hybrid tribunal, prosecution of Daesh foreign fighters in their States of nationality, or in other member States providing for universal jurisdiction, is the most obvious alternative to pursue and ensure accountability for their crimes. The Assembly acknowledges however the challenges national authorities face as well as the existence of legitimate security concerns of their citizens with regard to the return of individuals who have committed heinous crimes and joined a terrorist group engaged in an armed conflict abroad.

11. The Assembly considers that foreign fighters who are suspected of having taken part in genocide or in other serious international crimes constitute a serious threat to society. It is an ideology that drove them to commit such crimes, including genocide against the Yazidis, and this ideology will not disappear on its own. The Assembly considers that, taking into account the ongoing threat posed by Daesh fighters, it is crucial to consider that their right to family life under Article 8 of the European Convention of Human Rights (ETS No. 5) must be restricted if national security or other legitimate grounds under Article 8 paragraph 2 so require. Furthermore, separation from their children may also be necessary for the best interests of the child. The Assembly reiterates that children should in principle be repatriated with their mothers or primary care givers, unless it is not in the best interest of the child, as already recommended in Resolution 2321 (2020) "International obligations concerning the repatriation of children from war and conflict zones", or if it is not in the best interest of society as a whole. States should, however, have the possibility, following a determination of the best interest of the child, and of the interest of society as a whole in accordance with Article 8 paragraph 2 of the Convention, to repatriate foreign fighters' children to their State of nationality with a view to reuniting them with other family members, without repatriating their parents.

12. The Assembly is extremely worried about the situation and the appalling conditions in which the survivors of Daesh crimes, including children, still live in Iraq or Syria, often in camps and without the possibility of a safe return to their areas of origin and homes. Many, particularly Yazidi women and children, are still missing.
13. On the basis of the foregoing, the Assembly calls on Council of Europe member States to:
- 13.1. give priority to the establishment of a special international tribunal or hybrid tribunal with jurisdiction over international crimes committed by Daesh foreign fighters, by actively contributing to the setting up of such a tribunal within the United Nations or other international organisations;
 - 13.2. pending the setting up of such a tribunal, give priority to the prosecution by their national courts of suspected Daesh fighters and members who come within their jurisdiction or control, on the basis of the principle of active personality (for nationals) or universal jurisdiction;
 - 13.3. provide for universal jurisdiction over international crimes covered by the Rome Statute of the ICC, and if this is already the case, expand its use by not limiting the initiation of preliminary investigations to cases where the suspects are located within their territory, following the example set by Germany;
 - 13.4. prioritise where possible cumulative prosecution of Daesh foreign fighters for both terrorism-related offences and international crimes such as genocide, crimes against humanity and war crimes, following recent examples in Germany and the Netherlands, duly reflecting the gravity and the different nature of the offences committed;
 - 13.5. with respect to crimes committed against Yazidis and other affected minorities, prioritise genocide as a criminal charge, having regard to Daesh's declared intention to destroy, in whole or in part, these groups, as stressed in Assembly [Resolution 2190 \(2017\)](#);
 - 13.6. prosecute, in a non-discriminatory manner, avoiding gender stereotypes, all Daesh foreign fighters and members, including women, having regard to the actual role they may have played in the commission of crimes, as perpetrators, supporters, facilitators, recruiters or fund raisers;
 - 13.7. if children are suspected of having committed criminal acts, prosecute only under internationally recognised juvenile justice and fair trial standards, in accordance with [Resolution 2321 \(2020\)](#) "International obligations concerning the repatriation of children from war and conflict zones" and the United Nations Key Principles for the Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women and Children with links to United Nations Listed Terrorist Groups;
 - 13.8. set up and adequately fund, specialised units or staff within prosecution, law enforcement and judicial co-operation services for the prosecution of foreign terrorist fighters;
 - 13.9. make use of different types of evidence, including internet-based evidence and battlefield evidence, and ensure that such evidence is admissible for the successful prosecution of Daesh terrorist fighters, having regard to Recommendation CM/Rec(2022)8 of the Committee of Ministers of the Council of Europe to member States on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences and in full compliance with Article 6 of the European Convention on Human Rights;
 - 13.10. make better use of evidence collected by United Nations investigative mechanisms such as UNITAD and the United Nations International Impartial and Independent Mechanism for Syria (IIIM), as well as by non-governmental organisations documenting atrocities in Iraq and Syria, and ensure that such evidence can be lawfully used in criminal proceedings in their jurisdictions;
 - 13.11. contribute to the collection and preservation of evidence of Daesh crimes, including by making voluntary contributions, seconding national experts and signing co-operation agreements with UNITAD and IIIM;
 - 13.12. make full use of existing mutual legal assistance tools between States in investigations and proceedings against Daesh foreign fighters, including under the relevant international, Council of Europe and European Union instruments, such as the possibility of setting up joint investigation teams like the one established in 2021 between France and Sweden to support proceedings concerning crimes committed against the Yazidis in Syria and Iraq;
 - 13.13. take due account of the rights and needs of victims and witnesses in criminal proceedings against Daesh foreign fighters, including by taking the necessary measures to reach out to victims and affected communities, such as interpretation, broadcasting of the hearings and engaging with non-governmental organisations representing them;

13.14. insofar as they have not yet done so, ratify and fully implement the 2005 Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and its 2015 Additional Protocol;

13.15. design and implement rehabilitation and reintegration strategies for all returning Daesh foreign fighters and their families, including, in particular, deradicalisation programmes specifically tailored for children and young adults. These programmes are necessary for all persons and are not a substitute for prosecution and punishment;

13.16. consider bringing before the International Court of Justice, proceedings against States which allegedly failed to prevent and punish acts of genocide committed by Daesh, in order to hold those States to account under the Genocide Convention;

13.17. support the Iraqi authorities, UNITAD and other organisations in locating the missing Daesh victims and ensuring the safe and voluntary return of the survivors to their areas of origin.

14. The Assembly also calls on:

14.1. Iraq to adopt legislation on international crimes without further delay, with the assistance of UNITAD and other relevant stakeholders, and to actively participate in negotiations with a view to establishing a special international tribunal or hybrid tribunal;

14.2. the ICC Prosecutor to reconsider the decision not to open a preliminary examination into crimes committed by Daesh foreign fighters who are nationals of State Parties to the Rome Statute of the ICC;

14.3. UNITAD and IIIM to continue their instrumental work of gathering evidence on crimes committed by Daesh members in Iraq and Syria and share such evidence with national courts to the extent possible;

14.4. online platforms to preserve content, and the metadata associated with this content, that potentially could provide evidence of genocide, war crimes and other human rights violations.



Resolution 2476 (2023)¹

Provisional version

Conflict-related sexual violence

Parliamentary Assembly

1. As well as devastating whole territories and destroying infrastructure, war inflicts lasting damage on the people around and over whom it is waged, whatever their role, leaving a trail of individual, collective and family trauma over decades and across generations. Since February 2014, the Russian Federation has waged a war of aggression against Ukraine, which it relaunched on 24 February 2022 with a massive invasion of Ukraine. In this regard Europe's leaders are again called upon to address, on a national and multilateral scale, not only the conflict itself, but also the far-reaching negative consequences for society of the aggression of one country against another.

2. The aggression of the Russian Federation against Ukraine led to mass conflict-related sexual violence committed by the Russian Federation's armed forces and by affiliated armed groups against the civilian population of Ukraine and Ukrainian prisoners of war: in 11 months of the large-scale invasion of Ukraine, according to the Prosecutor General's Office of Ukraine, 155 cases of conflict-related sexual violence have been recorded in Kyiv, Kherson, Kharkiv, Chernihiv, Donetsk, Zaporizhzhia, Luhansk, and Mykolaiv regions. The officially stated number of cases does not reflect the scale of crimes of the Russian Federation, which are much larger.

3. So-called "conflict-related sexual violence", in fact unrelated to any real conception of sexuality, is one of the worst atrocities of war, systematically used as a tactic to humiliate, violate and ruin the minds and bodies of victims, and in most cases intended to leave them alive to tell their story, with the intention of spreading fear and breaking the spirit of the oppressed. Conflict-related sexual violence is a war crime in international law, can be a constitutive element of genocide and is certainly used as a means of ethnic cleansing, either to damage beyond repair the reproductive cycle of an "enemy" or to repopulate regions with the "true blood" of the would-be conqueror. Although the majority of victims are women and girls, they are not the only targets, and conflict-related sexual violence is less gender-specific in the case of young children.

4. Today, in particular thanks to the work of the United Nations and its successive Security Council resolutions, conflict-related sexual violence is no longer considered to be an inevitable and indissociable by-product of war, but is identified as a preventable phenomenon, which can be combated through concerted international action, protective national policies, strictly enforced punishment for perpetrators, empowerment of vulnerable persons and survivor-centred reparation and rehabilitation programmes.

5. The Parliamentary Assembly condemns conflict-related sexual violence with its utmost strength and reaffirms that its perpetrators must be brought to justice, both on the battlefield and in positions of leadership. Determined action is needed to eliminate the phenomenon and deal with its consequences. Referring to its Resolutions 2120 (2016) "Women in the armed forces: promoting equality, putting an end to gender-based violence", and 2450 (2022) "Justice and security for women in peace reconciliation," the Assembly calls on member States in peacetime to foster non-violent, resilient societies based on equality and equal access to rights for all, as a prerequisite for facing crises, reducing the tensions which risk escalating to open conflict and minimising its consequences. It urges States not yet having done so to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210,

1. *Assembly debate* on 24 January 2023 (3rd sitting) (see [Doc. 15677](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Petra Bayr). *Text adopted by the Assembly* on 24 January 2023 (3rd sitting).



“Istanbul Convention”), which under its Article 2.3 applies in times of peace and in situations of armed conflict, and which also contains specific provisions on migrant and asylum-seeking women who are victims of violence.

6. Preventing conflict-related sexual violence begins long before the outbreak of armed conflict. Therefore, the Assembly calls on member States and national parliaments to work on prevention in peacetime and in situations of conflict alike, in particular by:

6.1. encouraging inclusive recruitment to the armed forces and the police in order to attain more gender balance and thereby equality with a gender perspective in promotion, action and policies;

6.2. introducing or reinforcing training in police forces and the army on assistance to victims of gender-based violence, including the provision of safe spaces for survivors to recover and recount their experiences, as well as advice on access to legal assistance and to medical and psychological care. There must be co-ordination between the different services, including with civil society organisations, and these services must be mindful of preventing the re-traumatisation of victims;

6.3. implementing in places where conflict still has tangible effects on communities, notably in the territory of the former Yugoslavia, transitional justice measures in order to bring about real political transformation, and countering narratives glorifying war criminals, and exploring the relation of this speech with prohibited and criminally sanctioned war propaganda and countering and prosecuting them also online, for instance;

6.4. honouring survivors of conflict-related sexual violence like Nadia Murad, Václav Havel and Nobel Peace Prize winner, who as champions and ambassadors for peace and reparation can attract political and financial support, while raising public awareness of particularly affected regions and people and the need to help them and to give them a voice;

6.5. recognising the importance of culture as an agent of change: theatre, cinema, sport and other cultural activities can do much to change mentalities and promote peaceful living together.

7. The recognition of conflict-related sexual violence as a crime against humanity and a war crime under the Rome Statute of the International Criminal Court has allowed prosecution of its perpetrators on the ground and in command, in combination with other crimes. On the other hand, the national level is the most appropriate for holding individual perpetrators to account. Universal jurisdiction is also an option, and the Assembly congratulates Estonia, Germany, Latvia, Lithuania, Norway, Poland, Romania, the Slovak Republic, Spain, Sweden and Switzerland for having initiated universal jurisdiction investigations of war crimes in the context of the Russian war of aggression against Ukraine, or for having declared their intention to do so, and French prosecutors for having opened a war crimes investigation under national jurisdiction in the same context, for cases in which French citizens or residents have been possible victims or suspected perpetrators. With respect to the prosecution of conflict-related sexual violence, the Assembly calls on member States to:

7.1. sign and ratify the Rome Statute as the legal basis for the work of the International Criminal Court, if they have not already done so;

7.2. use universal jurisdiction as a means of prosecuting perpetrators wherever they have committed crimes of conflict-related sexual violence;

7.3. use the international crime provisions under their respective national penal codes that explicitly and implicitly cover conduct of conflict-related sexual violence, whenever perpetrators or victims are present on their territory, or acts that have a nexus to the crime are committed on their territory;

7.4. use the 2021 Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-related Sexual Violence of the Office of the Special Representative of the United Nations Secretary-General on Sexual Violence in Conflict to ensure that efficient investigations are carried out for use in courts, and to the same end, encourage and support civil society organisations to follow the Guidelines of the Office of the Prosecutor of the International Criminal Court and Eurojust on Documenting international crimes and human rights violations for accountability purposes;

7.5. work with international courts to ensure the efficient transfer of judgments to national prosecuting authorities, which includes sharing access to databases of evidence collection;

7.6. provide concrete expert and technical support, with the Assembly and the Council of Europe, for the setting up of a special (ad hoc) international tribunal to prosecute the crime of aggression against Ukraine as conflict-related sexual violence is a result of this crime of aggression.

8. Documentation, reporting, evidence collection and research are essential in uncovering crimes and prosecuting perpetrators of conflict-related sexual violence. These crimes are notoriously difficult to monitor due to under-reporting by survivors not wishing or not able to speak, because the harm done may be invisible and difficult to prove, and as infrastructure and services are often lacking in the conditions in which survivors find themselves, including war zones, regions of so-called “frozen conflicts”, etc.
9. Praising the work of NGOs such as Ukraine 5AM Coalition, finalist for the 2022 Václav Havel Prize, a collective of technology experts collecting data in Ukraine since the first bombardments by Russia, the Assembly urges member States to:
 - 9.1. ensure that solid and safe procedures for reporting sexual violence are in place in peacetime, following the provisions of the Istanbul Convention, in order for these to be operational when applied to sexual violence in conflict-related situations;
 - 9.2. make sure that survivors of sexual violence are offered safe spaces for exchanging on their experiences, that witnesses are given adequate protection, that the different services involved in evidence collection use technological means admissible in courts to record evidence and are coordinated in order to avoid obliging witnesses to repeat testimonies, thus avoiding re-traumatisation;
 - 9.3. support, including financially, the development of electronic tools for survivors to record evidence of gender-based violence themselves, in particular during conflict, for instance the “Backup” application developed and piloted by the We Are NOT Weapons Of War NGO;
 - 9.4. ensure that the police are trained and habilitated to receive evidence at local levels, without requiring higher levels of police and jurisdictional intervention at the first stages of judicial procedures.
10. Care for survivors must be immediate, holistic and centred on the needs of the persons concerned. In this respect the Assembly urges national authorities and international organisations to work together to:
 - 10.1. support the International Criminal Court’s Trust Fund for Victims by financial contributions;
 - 10.2. transfer on request the frozen assets of perpetrators convicted by the International Criminal Court to the Trust Fund for Victims to fund reparations and programmes for survivors;
 - 10.3. building on principles of transitional justice, to adopt survivor-centred gender-specific practices and ensure reparations are tailored to the age and situation of victims;
 - 10.4. implement, with respect to all survivors, whether in national territories or having fled war in their country, the World Health Organisation’s Clinical Management of Rape Guidelines to ensure that medical providers apply survivor-centred approaches and follow the necessary health protocols aimed to protect women from unwanted pregnancies and sexually transmitted diseases.
11. Survivor-centred measures must be tailored to the individual needs of survivors of conflict-related sexual violence wherever they find themselves, including access to information and abortion without barriers. States must ensure women’s access to sexual and reproductive health and rights services by:
 - 11.1. prioritising sexual and reproductive health services across the humanitarian and refugee response;
 - 11.2. taking effective action to address and remove restrictions on and barriers to access to comprehensive sexual and reproductive healthcare, including time-sensitive and essential care;
 - 11.3. strengthening the capacity and readiness of the health system, including health workers, to provide human rights-based, comprehensive sexual and reproductive health services as well as services for the prevention and management of sexual and gender-based violence;
 - 11.4. ensuring that local experts and civil society organisations participate in the design of sexual and reproductive health and rights response efforts;
 - 11.5. ensuring sustainable, long-term funding and flexible support to national health systems for sexual and reproductive health and rights programming, service provision and advocacy, to enable addressing systemic and structural barriers.
12. International organisations, non-governmental organisations, and their members working in peacekeeping operations are no exemption from using their positions of domination over vulnerable people, in particular exiles and displaced persons, to commit atrocious crimes of sexual violence, including trafficking and sexual slavery. The Assembly calls on the United Nations to pursue its efforts to implement a zero-tolerance policy to eliminate sexual abuse and exploitation in its operations, including by locally recruited staff, and ensure that the NGOs working on programmes are covered by these policies.

13. Non-governmental organisations and civil society actors are key to accompanying survivors of conflict-related sexual violence, and act as early warning agents on the ground when tensions arise and situations deteriorate. Therefore, the Assembly calls upon national parliaments to ensure that civil society, and especially female peace advocates, women's rights organisations, women-led organisations and organisations dealing with gender-based violence and sexual and reproductive health and rights, are supported in their work and are given sustainable, flexible, long-term institutional financial support and infrastructure to function efficiently.

14. Recognising an important contribution and significant potential of the United Nations in preventing conflict-related sexual violence, the Assembly welcomes initiatives to ensure impartial and objective decision making on issues involving conflict-related sexual violence and other international crimes, including the Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocities launched by France and Mexico and signed by 104 UN member States, and other initiatives restricting the possibility to veto, as well as calls for binding commitments of a similar content.

15. Finally, the Assembly calls on member States to introduce laws that guarantee survivors of conflict-related sexual violence individual and collective access to lifelong measures of inclusion, reparation and rehabilitation without undue bureaucratic or psychological obstacles, and to devote the necessary financial and human resources to these programmes, in the knowledge that pecuniary compensation for the consequences of the damage done is almost impossible.



Resolution 2477 (2023)¹

Provisional version

Environmental impact of armed conflicts

Parliamentary Assembly

1. Armed conflicts, wars and military aggression destroy human lives and leave deep scars on human living space. Environmental damages resulting from armed conflicts can be multifaceted, severe, long-lasting and mostly irreversible. They not only harm natural habitats and ecosystems but can also affect human health well beyond the conflict area and long after the conflict is over. The human rights to life and to a healthy environment are thus undermined.

2. The existing international legal framework provides for direct and indirect protection of the environment in times of armed conflict to a certain extent, based on international humanitarian law instruments such as the United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environment Modification Techniques (ENMOD convention), and the Additional Protocol to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I). In addition, international law doctrine came to accept the interplay between international humanitarian law and international human rights law in the 1996 advisory opinion of the International Court of Justice on the “Legality of the Threat or Use of Nuclear Weapons”. The Parliamentary Assembly notes that the co-application of human rights and humanitarian law during times of armed conflict has also been confirmed by the United Nations Human Rights Committee (via general comments) and the European Court of Human Rights (via case law).

3. The Assembly therefore considers that international human rights and humanitarian law imposes substantive and procedural obligations on States involved in armed conflicts. With the increased worldwide acceptance that the right to a healthy environment constitutes a human right, there are grounds to affirm that States may have extraterritorial obligations arising in and from armed conflicts.

4. The Assembly recalls that the norms of customary international law provide indirect protection of the environment during armed conflicts. To this end, it welcomes the Red Cross Guidelines for Military Manuals Instructions (“ICRC Guidelines”) as updated in 2020 which contribute, practically and effectively, to raising awareness about the need for the protection of the natural environment against the impact of armed conflicts. However, the environment is thus protected only in an incidental manner, subordinated to wartime requirements, and conditioned on humanitarian imperatives.

5. The Assembly commends the work of the International Law Commission (ILC) of the United Nations on the draft principles on the protection of the environment in relation to armed conflicts. It welcomes the endorsement of these principles by the United Nations General Assembly on 7 December 2022 and encourages their widest possible dissemination across all European States and their global partners.

6. The Assembly notes that the Council of Europe has developed several legal instruments to protect the environment: the Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment (ETS No. 150), the Convention on the Protection of Environment through Criminal Law (ETS No. 172), the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, “Bern Convention”) and the Landscape Convention (ETS No.176). However, these conventions either do not

1. *Assembly debate* on 25 January 2023 (5th sitting) (see [Doc. 15674](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr John Howell). *Text adopted by the Assembly* on 25 January 2023 (5th sitting).

See also [Recommendation 2246 \(2023\)](#).



explicitly cover or explicitly exclude damage caused by an act of war or military hostilities. The currently ongoing revision of the criminal law convention (ETS No. 172), which is also open to non-member States, offers the possibility of establishing a new “ecocide” criminal offence at Council of Europe level. The Assembly also notes that the Committee of Ministers Recommendation CM/Rec(2022)20 on human rights and the protection of the environment, adopted on 27 September 2022, mentions “the environmental harm stemming from armed conflicts”, reaffirms that “all human rights are universal, indivisible, interdependent and interrelated” and urges steps to recognise the right to a healthy environment at the national level as a human right.

7. Severe destruction or deterioration of nature that could be qualified as ecocide may occur in times of peace or war. It is necessary to codify this notion in both national legislation, as appropriate, and international law. The Assembly therefore strongly supports efforts to amend the Rome Statute of the International Criminal Court, so as to add ecocide as a new crime. It reiterates its call, contained in [Resolution 2398 \(2021\)](#) “Addressing issues of criminal and civil liability in the context of climate change”, as regards the need for “recognising universal jurisdiction for ecocide and the most serious environmental crimes” and introducing “the crime of ecocide into ... national criminal legislation”.

8. The Assembly deplores the fact that despite an impressive international legal arsenal, important gaps subsist in protecting the environment in the context of armed conflicts and their aftermath. The existing legal instruments lack universality in terms of ratifications, precision of terms used (such as for qualifying “widespread, long-lasting, or severe effects”), a comprehensive coverage of offences and a sufficiently broad scope of application. Moreover, a permanent international mechanism to monitor legal infringements and address compensation claims for environmental damage is also missing.

9. The Assembly urges Council of Europe member States to take all necessary measures to outlaw and prosecute the use of prohibited weapons in the course of armed conflicts that, among other ills, bring disproportionate environmental impact and render human life in the affected area impossible.

10. Considering that the Council of Europe has served as a laboratory of new legal developments to defend the values of human rights and the rule of law in Europe and beyond, the Assembly believes that the Organisation should take the lead in elaborating new legal instruments to guide member States and beyond in preventing massive environmental damage and reducing the scale of such damage as far as possible during armed conflicts and their aftermath. It should pave the way towards the international recognition of the crime of ecocide. With this in mind, and referring to the above considerations, the Assembly calls on the member States of the Council of Europe, as well as observer States and States whose parliament enjoys observer or partnership for democracy status with the Assembly to:

10.1. build and consolidate a legal framework for the enhanced protection of the environment in armed conflicts at national, European and international levels by:

10.1.1. ratifying the ENMOD convention and Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, if they have not yet done so;

10.1.2. taking steps to support the creation of a permanent international mechanism to monitor legal infringements and address compensation claims for environmental damage resulting from armed conflicts;

10.1.3. supporting practical implementation of the principles on the protection of the environment in relation to armed conflicts adopted by the United Nations General Assembly and promoting their dissemination through relevant domestic institutions, diplomatic channels and international stakeholders;

10.1.4. promoting a more coherent and comprehensive reading of the existing legal rules for protecting the environment in armed conflicts;

10.1.5. updating their legal arsenal to criminalise and effectively prosecute ecocide and taking concrete steps to amend the Rome Statute of the International Criminal Court in order to add ecocide as a new crime;

10.1.6. supporting the establishment of standard methodologies for the collection of evidence for the environmental harm;

10.2. close gaps between different fields of law and the reality on the ground in order to adequately protect human living space, the environment, and human rights to life and to a healthy environment in the context of armed conflicts by:

10.2.1. strengthening State responsibility for environmental damage extending beyond their territorial limits, based on extraterritorial human rights obligations and the functional impact-model in situations where the impact is direct and reasonably foreseeable;

10.2.2. considering the drafting of a new regional legal instrument or treaty under the Council of Europe's auspices, with a view to clarifying and filling the gaps identified in the existing legal regime (notably regarding the damage threshold, enforcement, liability, and the due diligence principle);

10.2.3. conducting a study, under the auspices of the Council of Europe, on the possible interplay between existing international criminal law and environmental harm occurring during armed conflicts, in particular as regards the possibility to invoke existing war crimes;

10.2.4. actively participating in the revision process of the Council of Europe's convention No. 172 in order to ensure that the revised convention would apply also in the context of armed conflicts, wartime or occupation;

10.2.5. deploying sufficient means to ensure proper monitoring and implementation of commitments under the Council of Europe treaties, in particular the Bern Convention and the Landscape Convention;

10.2.6. ensuring that the relevant international legal framework is interpreted in a more open-ended manner, so as to offer more adequate protection of both the environment and human health;

10.2.7. mapping areas of particular environmental importance or sensitivity, based on existing protected areas (such as world natural heritage sites or natural reserves) and areas that might need to acquire a special protection status, in anticipation of any form of armed conflict, and foreseeing the demilitarisation of such areas in the case of a military conflict;

10.2.8. adapting national military manuals in the light of the updated ICRC Guidelines, the United Nations principles on the protection of the environment in relation to armed conflicts and the evolving international legal framework;

10.2.9. considering establishing domestic and/or regional solutions to provide relief to environmental refugees fleeing a military conflict, given the international legal vacuum on this matter;

10.2.10. promoting knowledge of and compliance with international legal standards protecting the environment among non-state actors involved in armed conflicts.



Resolution 2478 (2023)¹

Provisional version

Contact tracing applications: ethical, cultural and educational challenges

Parliamentary Assembly

1. The Parliamentary Assembly notes that over the past two years, data collection and processing by using digital public health technologies, such as contact tracing applications (CTAs), have been promoted worldwide by governments as well as private companies to mitigate the Covid-19 pandemic, identify subjects at risk of contamination or ensure compliance with confinement rules.
2. In May 2020, the World Health Organisation (WHO) issued guidelines for their use and related ethical considerations. The Consultative Committee established by the Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data (ETS No. 108, Convention 108), the Data Protection Commissioner and the Committee on Bioethics of the Council of Europe, also issued several statements, raising concerns and providing useful guidelines. The Council of Europe 2020 Data Protection Report highlighted that, by adopting widely diverging systems, countries have limited the efficiency of the measures taken and the influence they could have exercised on actors in the digital market.
3. CTAs are available in app stores; their ethical and legal frameworks remain unclear, with risks related *inter alia* to unlawful interference with the right to respect for private life, protected under Article 8 of the European Convention on Human Rights (ETS No. 5), as well as specifically through the guarantees set out in Convention 108 and its amending Protocol (CETS No. 223), Convention 108+. Respecting the confidentiality of health data is a vital principle in the legal systems of all States Parties to the European Convention on Human Rights. In particular, in order to respect the right to private life in Article 8 of the Convention, domestic law must afford appropriate safeguards to prevent the inappropriate communication or disclosure of personal health data.
4. In its Resolution 2338 (2020) “The impact of the Covid-19 pandemic on human rights and the rule of law”, the Assembly noted that “a lack of public trust in such apps due to privacy-related concerns, resulting in low levels of installation or use, would seriously undermine their effectiveness”. Hence, these applications need to be carefully evaluated and public authorities must monitor their implementation to ensure compliance with the right to private life and with the data protection standards laid down by Convention 108 and its modernised version, Convention 108+.
5. The Assembly stresses that the collection and processing of personal and health data must be justified by legitimate public health objectives and be suitable and proportionate to achieving the intended goal. The data collected via these applications should not be accessible to third parties that are not involved in public health management. Data collection and processing must be transparent and concise, and reader-friendly information on the purpose of data collection, data storage and sharing must be easily available. Data should only be retained to the extent and for the duration necessary. Decisions on downloading and using applications must remain voluntary and respect personal autonomy. Specific care must be taken in the design and application of these applications to ensure adequate safeguards for children, and in particular respect for

1. *Assembly debate* on 25 January 2023 (5th sitting) (see [Doc. 15648](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Duncan Baker; and [Doc. 15660](#), opinion of Committee on Legal Affairs and Human Rights, rapporteur: Mr Vladimir Vardanyan). *Text adopted by the Assembly* on 25 January 2023 (5th sitting).



their rights to privacy and the protection of their personal data. Discrimination due to the digital divide should be avoided. Furthermore, data protection authorities must be involved in the development, oversight, and audit of digital contact tracing systems.

6. The effectiveness of such digital technologies largely pertains to the technical designs, implementation methods and the level of public trust. Therefore, the Assembly considers that the lack of citizens' involvement in the debate may explain the low adoption rates of the available applications in many Council of Europe member States. In this respect, [Resolution 2333 \(2020\)](#) and [Recommendation 2176 \(2020\)](#) "Ethics in science and technology: a new culture of public dialogue" highlighted that it is essential to involve the general public in decisions which highly impact on their lives, especially during crises.

7. Digital epidemic surveillance is – and should only be – intended to prevent forward transmission and break the chains of infection. However, to date substantial scientific evidence of CTAs' impact and effectiveness remains relatively limited.

8. CTAs which have been developed in most European countries do not collect identifiable health data, at least not without explicit consent; moreover, sensitive health-related information, including when collected via manual contact tracing (for example in testing centres) cannot be shared with third parties, including the scientific community, without consent. As with other, particularly digital, forms of data processing, it is important that consent is freely given, specific, informed and unambiguous.

9. While this approach serves the purpose of protecting privacy, the fact that contact tracing and testing datasets cannot be processed and combined without citizens' consent may hinder the ability of governments to analyse aggregated data, including user demographics or temporal, spatial and public health impact trends of CTA usage and exposure notifications.

10. The Assembly stresses that a timely and accurate assessment of the CTAs' public health impact is a key prerequisite of an effective public health policy. A continuous quality improvement of public health processes and interventions is essential. In particular, digital epidemic surveillance must respond to an evolving situation, taking into account the changing transmission and immune-evasion properties of a virus.

11. Data protection standards must be considered as an advantage in conditions of uncertainty such as a pandemic. However, these standards must be applied in a way that allows for the collection and use of sufficiently detailed data when this is necessary for the public health objectives, and provided that the appropriate safeguards are present. The right balance between data protection standards and public health objectives must be struck not only to help fight the current pandemic but also to design future technology aimed at tackling future health crises.

12. The Assembly believes that technology can make a significant contribution to the promotion of public interests only by ensuring a careful balance of all interests at stake and by carrying out an in-depth assessment of the risks posed to human rights and fundamental freedoms in a democratic society.

13. To that end, the Assembly calls on Council of Europe member States to:

13.1. ensure that recourse to digital public health technologies is part of a comprehensive national epidemiologic strategy, articulated in different tools, balancing all interests at stake and based on an appropriate evaluation of its real impact and effectiveness;

13.2. monitor the implementation of these new technologies as well as their compliance with data protection standards, and ensure that the collection and processing of personal and health data are justified by legitimate public health objectives and are adequate and proportionate to achieving the intended goal; this also implies that such data is only retained to the extent and for the duration necessary for those objectives;

13.3. consider the possibility of voluntary data donorship for contact tracing applications or other future technologies, which includes an opt-in for users who would like to consent to have their personal data anonymised and processed to collect evidence for scientific research and impact assessment, with appropriate safeguards to preserve privacy and to ensure consent is freely given, specific, informed and unambiguous;

13.4. keep the public well informed about public health interventions, in particular regarding the impact and effectiveness of new digital technology, including via parliamentary hearings and public information campaigns, with a view to raising citizens awareness, building citizens' trust and strengthening the effectiveness of new technology;

13.5. counter negative attitudes or low interest in the population through systematic, targeted information campaigns, both through the media and with civic initiatives in schools, that are context-specific, based on science, address doubts and concerns raised, debunk disinformation and highlight individual and collective responsibility for one's own health as well as other people's health;

13.6. encourage voluntary access to CTAs in resource-limited settings, for example through reduced mobile data costs, higher availability of and compatibility with low-cost devices and conditions facilitating the use of CTAs such as a help function, a tutorial, or testimonials of other users;

13.7. initiate, if not done yet, and promote globally the signature and ratification of the Convention for the protection of individuals with regard to automatic processing of personal data (Convention 108) and its Protocol (Convention 108+) which certainly contributes to the convergence towards a set of high-level standards in the area of the protection of privacy and personal data.

14. The Assembly resolves to enhance co-operation with the Consultative Committee established by the Convention 108 to share best practices regarding the implementation of privacy and data protection principles and rules in public interest areas, and to identify areas of possible joint actions to raise awareness on, and enhance compliance with, international standards in the field.

15. The Assembly also encourages the European Union to continue developing co-ordinated solutions at European and international levels, including beyond the European Union, to promote safe international travel and global control of the Covid-19 pandemic as well as future threats to public health.



Resolution 2479 (2023)¹

Provisional version

The Istanbul Convention: progress and challenges

Parliamentary Assembly

1. Gender-based violence as an extreme form of violation of human rights is present in all member States of the Council of Europe. It is a consequence of persistent inequalities between individuals and groups at all levels, whether social, economic or legal. Although men and boys are also victims, women and girls are disproportionately affected by gender-based violence. The risk of violence is multiplied by social and intersectional factors such as disability, ethnic origin and sexual orientation.
2. According to United Nations estimates, 736 million women in the world have suffered physical and/or sexual intimate partner violence, non-partner sexual violence, or both (not including sexual harassment), at least once in their life, which represents 30% of women aged 15 and above. According to first findings, gender-based violence increased during the Covid-19 pandemic due to successive lockdowns which trapped victims in closed spaces with their aggressors, and at the same time complicated women's and girls' access to protection and assistance, in what has been termed a "shadow pandemic".
3. Recognising the need for comprehensive systems for the prevention of and protection against gender-based violence, and for policies to eliminate violence in particular against women and girls, the Council of Europe adopted its Convention on the Protection and Prevention of Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"), opened for signature on 11 May 2011, which entered into force on 1 August 2014. The convention now counts 37 ratifications, and 8 signatures not yet followed by ratification.
4. The Parliamentary Assembly welcomes the high number of ratifications of the Istanbul Convention to date, which gives some optimism for future progress in eliminating gender-based violence. It is impressed by the influence the convention has had on national legislations to fight gender-based violence, which have been adapted to ensure conformity with the convention, and by the changes it has inspired in policies and awareness-raising work. The Assembly congratulates the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and the Committee of the Parties for their work so far, in the far-reaching 2016-2023 baseline evaluation cycle, as well as its first third party intervention before the European Court of Human Rights and first General Recommendation on the digital dimension of violence against women.
5. Despite these achievements, alarmingly high levels of violence and tragic femicides persist, harming and killing women and girls from all walks of life and in all their diversity, especially in the context of intimate partner violence. Backlash against and backsliding of women's rights are commonplace and often originate in political discourse aimed to maintain inequalities and impose ever tighter restrictions on democracy and human rights.
6. The Assembly points out that gender-based violence comes at a cost, which the European Institute for Gender Equality estimated in 2021 to amount to €366 billion a year, of which 79 % is linked to violence against women. Physical and emotional impacts make up 56% of this cost, criminal justice services 21% and

1. *Assembly debate* on 25 January 2023 (6th sitting) (see [Doc. 15673](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Zita Gurmai). *Text adopted by the Assembly* on 25 January 2023 (6th sitting). See also [Recommendation 2247 \(2023\)](#).



lost economic output 14%. In the interests of all of society, action must therefore be stepped up to end the inequalities which lead to violence and to empower people in situations of vulnerability by giving them full access to their rights.

7. Referring to its previous [Resolution 2289 \(2019\)](#) “The Istanbul Convention on violence against women: achievements and challenges”, the Assembly reiterates the recommendations set out in that text. In addition, with regard to promoting its ratification, the Assembly:

- 7.1. urges Azerbaijan to sign and ratify it without further delay;
- 7.2. urges the parliaments of Armenia, Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania and the Slovak Republic to increase their efforts to promote and engage in procedures for ratification to follow up on their signature;
- 7.3. urges Türkiye, the country that gave its name to the convention and was among the first ratifications, to reconsider its withdrawal and return to the convention;
- 7.4. encourages the European Union to overcome the legal obstacles to ratification as a means of ensuring the implementation of its provisions in all European Union member States and of promoting it in others;
- 7.5. encourages Israel, Kazakhstan and Tunisia to follow up on the invitation of the Committee of Ministers of the Council of Europe to accede to the convention, and encourages other non-member States, observers and partners for democracy to do so as soon as possible.

8. With respect to the prevention of violence against women and girls and domestic violence, the Assembly calls on all States Parties to the Istanbul Convention to fully implement its provisions as an assurance of solid, protective laws and policies relating to prevention, protection and prosecution embedded in a set of integrated policies. To this end it calls on the parliaments of States Parties to the Istanbul Convention to:

- 8.1. carry out regular assessments of national legislation and propose revisions of laws where they are not in conformity with the provisions of the convention;
- 8.2. make sure that legislation is efficient in ensuring protection against violence against women and girls, including domestic violence, and prosecution of perpetrators of violence;
- 8.3. ensure regular monitoring of implementation in accordance with Article 70 of the convention and give adequate prominence to the baseline reports of GREVIO and the recommendations of the Committee of the Parties in parliamentary debates and hearings;
- 8.4. organise awareness-raising campaigns both in their parliaments and in their constituencies, and to report back to the Assembly annually in order to document these good practices;
- 8.5. bearing in mind the requirement under the convention for policies to place the rights of the victim at the centre of all measures, to ensure co-operation between all relevant stakeholders in design and implementation of policies and programmes, including women’s civil society organisations and diverse communities;
- 8.6. include a gender perspective in the implementation and evaluation of the impact of the convention as set out in its Article 6.

9. With respect to dispelling deliberate misrepresentations around the ultimate objectives of the Istanbul Convention, the Assembly underlines that these are part of broader negative tendencies in today’s societies carried by anti-rights movements and aiming to curb the enjoyment of human rights by persons belonging to certain groups. It asks all parliaments of Council of Europe member and observer States as well as parliaments which enjoy the status of observer or partner for democracy with the Assembly to:

- 9.1. firmly assert that the convention focuses on women and girls in all their diversity as people who are disproportionately affected by gender-based violence;
- 9.2. acknowledge that the convention does not threaten the nuclear family or family values, nor does it impose certain lifestyles;
- 9.3. further take into account that the convention does not encourage irregular or illegal migration when endeavouring to ensure that women victims of intimate partner violence are not dependent on the residency status of their aggressors;

9.4. recognise that domestic legislation may be effective but that the convention provides a blueprint for national legislation and an efficient system of evaluation and assistance in implementation, and that sharing of best practices and trans-border and international co-operation are important in combating violence against women and domestic violence.

10. The Assembly welcomes the priority given to preventing and combating violence against women and domestic violence in the report of the High Level Reflection Group on the Council of Europe's role in responding to new realities and challenges facing Europe and the world, published in October 2022, which will contribute to the themes taken up by the 4th Summit of Heads of State and Government announced by the Committee of Ministers for 16-17 May 2023.

11. Recalling that it has constantly called for the organisation of a new summit since 2017, the Assembly requests that the recommendations in the report be followed up by the Committee of Ministers and that the priority given by the High Level Reflection Group be adequately reflected in the action plan of the 4th Summit.

12. Finally, the Assembly decides to hold an annual exchange to take stock of progress with ratification and implementation of the Istanbul Convention, as part of its monitoring responsibilities under the convention.



Resolution 2480 (2023)¹

Provisional version

The role and responsibility of men and boys in stopping gender-based violence against women and girls

Parliamentary Assembly

1. Gender-based violence against women and girls, which finds its origin in profound gender inequalities and is their expression, is widespread and harmful. It affects society as a whole and should be recognised as a global human rights issue. In Europe, it is estimated that one in three women is a survivor of gender-based violence. No country and no sector are immune to this violence. A few years ago, the #metoo movement went viral and contributed to a lifting of taboos. It created more consciousness of the urgency of preventing and combating gender-based violence.
2. The fight against gender-based violence has been historically led by women and women's rights organisations. However, men and boys, in all their diversity, also have an important role to play. Men can be agents of change by speaking out against harmful practices, acting as role models and challenging sexism. They are often the best placed to call on other men to be active in the fight against gender-based violence, and to set an example for future generations. All genders, including men in all their diversity, can and should be allies and partners in the fight for gender equality and against gender-based violence.
3. The Parliamentary Assembly recognises the responsibility of men and boys in preventing and stopping gender-based violence against women and girls and urges them to be proactive in this regard. It acknowledges that not all men are perpetrators of gender-based violence but that the majority of perpetrators are men. It welcomes the adoption of the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence on 30 September 2022 by thirty-eight Council of Europe member states, which committed to "ensuring that strategies aimed at preventing and combating violence against women also address the specific role of men and boys in preventing violence against women" and to develop specific measures aimed to involve them. It recalls its [Resolution 2027 \(2014\)](#) "Focusing on the perpetrators to prevent violence against women", its [Resolution 2274 \(2019\)](#) "Promoting parliaments free of sexism and sexual harassment" and its [Resolution 2405 \(2021\)](#) "Revision of the Code of conduct for members of the Parliamentary Assembly: introducing the explicit prohibition of sexism, sexual harassment and sexual violence and misconduct". The Assembly's #NotInMyParliament awareness-raising initiative was launched to prevent and combat sexism, harassment and violence against women in parliaments.
4. Men and boys are not a homogeneous group and masculinities are multiple. Actions targeted at men and boys need to take this diversity into account. The Assembly stresses that promoting mindful masculinities and respectful relationships, as well as the equal sharing of care responsibilities between women and men, will be a step towards more gender equality and will be beneficial to society. Education and awareness-raising of men and boys can play an important part to this end. Talking about the pyramid of violence could also be a starting point of discussion.
5. The Assembly recognises that men and boys can also be affected by gender stereotypes and models of harmful masculinity and stresses the importance of adopting a gender perspective that is inclusive. Men, including men in positions of political, economic or social power, must be part of the response and participate

1. *Assembly debate* on 25 January 2023 (6th sitting) (see [Doc. 15678](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Petra Stienen). *Text adopted by the Assembly* on 25 January 2023 (6th sitting).



in changing mindsets, behaviours and social norms in order to prevent and combat gender-based violence. Parliamentarians, as influential public figures and legislators, hold a special responsibility for contributing to gender justice and society's mobilisation against gender-based violence.

6. The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention") states in its article 12.4 that all members of society, especially men and boys, should be encouraged to contribute actively to preventing violence. The Assembly has relentlessly called for the ratification and implementation of the Istanbul Convention. It recalls that the fight against gender-based violence is closely connected to the fight against gender-based stereotypes and patriarchal values, and reiterates its full support for the convention. The deconstruction of systems of patriarchal privileges will be a key step to reaching gender equality and ending impunity for perpetrators of gender-based violence. The Assembly deplores the development of anti-gender movements which deny the reality of gender-based violence, and calls for a resistance against the backlash.

7. The Assembly welcomes the adoption by the United Nations Human Rights Council of Resolution A/HRC/5/10 "Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls". It supports the Gender Equality Commission of the Council of Europe and welcomes its work towards adoption by the Committee of Ministers of guidelines on the place of men and boys in gender equality policies and in policies to combat violence against women.

8. In the light of these considerations, the Assembly calls on Council of Europe member and Observer States, as well as on all States whose parliament enjoys observer or partner for democracy status with the Assembly to:

- 8.1. if it is not yet the case, ratify and implement the Istanbul Convention;
- 8.2. adopt strategies or national action plans to prevent and combat gender-based violence and include action with dedicated budget to address the responsibility and role of men and boys;
- 8.3. adopt legislation on defining rape by the absence of consent, if not yet the case, in line with the requirements of the Istanbul Convention which indicates that "consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances" (Article 36);
- 8.4. implement Committee of Ministers Recommendation CM/Rec(2019)1 on preventing and combating sexism;
- 8.5. launch awareness-raising campaigns on the responsibility of men and boys in preventing and combating gender-based violence, including as bystanders;
- 8.6. promote a gender-balanced representation in cultural, economic, media, public and political sectors;
- 8.7. create, if it is not yet the case, preventive intervention and treatment programmes for perpetrators of gender-based violence against women and girls, based on existing international standards in this area;
- 8.8. provide comprehensive training for professionals, including members of the police, lawyers, judges, prosecutors, health care professionals and social workers, on all forms of gender-based violence against women and girls, detecting and responding to gender-based violence, on assistance to survivors and on the rights of victims;
- 8.9. adopt policies and measures encouraging the equal participation of men in care activities;
- 8.10. improve data collection on gender-based violence in line with existing standards and good practices in this area;
- 8.11. support research on the costs of harmful masculinity for society and on the costs of gender-based violence;
- 8.12. communicate on the harmful effects of gender-based violence on survivors and on society in general;
- 8.13. adopt an intersectional approach, taking into account all diversities and intersecting forms of discrimination, in the fight against gender-based violence;
- 8.14. encourage discussions on gender equality, sharing of care responsibilities and combating sexism and gender-based violence in workplaces;

8.15. support male role models engaged in the fight against gender-based violence and in the promotion of mindful masculinities;

8.16. provide financial support to non-governmental organisations working on preventing and combating gender-based violence, including assistance to survivors, and additional financial support to non-governmental organisations promoting gender equality through combating harmful masculinities and launching activities on the responsibility of men and boys in this fight.

9. With regard to preventing and combating gender-based stereotypes, the Assembly calls on these States to:

9.1. invest in education on gender equality from the youngest age, and in the training of teachers on gender equality, and ensure that gender equality will be discussed at school on a regular basis;

9.2. develop toolkits questioning stereotypical gender roles;

9.3. ensure the provision of comprehensive sexuality education including discussions on gender-based stereotypes, the meaning of consent and respect in intimate relationships;

9.4. ask sports clubs and federations to contribute to the fight against gender-based stereotypes and to promote gender equality;

9.5. encourage the production of cultural programmes reflecting on gender roles and masculinities;

9.6. encourage media outlets to react to sexist remarks and behaviours, take responsibility and step up prevention efforts.

10. The Assembly calls on national parliaments to ensure that they are free of gender-based violence and sexism and encourages them to organise awareness-raising events on the responsibility of men and boys in preventing and stopping gender-based violence and on mindful masculinities.

11. The Assembly calls on political parties to make the fight against gender-based violence a political priority and to promote the participation of women in their decision-making bodies. It also calls on them to adopt a zero-tolerance policy on gender-based violence and initiate seminars on preventing and combating it.

12. The Assembly calls on all its members, including men, in all their diversity, to speak up against manifestations of gender-based violence, to be pro-active in prevention and fight against gender-based violence, to counter misogyny in politics and to initiate debates on gender equality in their national parliaments.



Resolution 2481 (2023)¹

Provisional version

Finding solutions for marital captivity

Parliamentary Assembly

1. Marital captivity arises when a person having entered into a marriage wishes to end it, but finds that they are unable to do so, either legally or in the eyes of their community. It may concern cases where a marriage has been concluded and is recognised under the civil law in force in the country where the trapped spouse lives, as well as marital situations that are not recognised under the applicable civil law. The phenomenon is little known but is estimated to affect tens of thousands of people – mostly women – in Europe every year.
2. Situations of marital captivity violate the human rights of those that they affect. States therefore have a duty to combat this phenomenon actively.
3. Marital captivity is an infringement on the trapped spouse's personal autonomy, a basic principle of human rights law. Persons trapped in marital captivity lose their independence and their right to self-determination. They often cannot start a new relationship or remarry, especially where they may be considered by their community to have committed adultery or bigamy. They may be prevented from travelling, in particular if their marriage continues to have legal effect in a country where the husband's approval is necessary to renew the wife's passport. The impact on children can also be devastating, as they grow up in an unsafe and unstable environment. Moreover, a person who tries to put an end to this situation may find themselves alone and isolated from their own community, and may encounter serious violence and threats. These can include the risk of so-called "honour"-based violence, which is a particularly egregious offence and prohibited under international law.
4. The human rights issues at stake are wide-ranging. Marital captivity may for example violate Articles 5 (right to liberty and security of the person), 8 (right to private and family life), 12 (right to marry) and 14 (prohibition on discrimination) of the European Convention on Human Rights (ETS No. 5), as well as rights codified in the European Social Charter (Revised) (ETS No. 163) and in the United Nations International Covenant on Economic, Social and Cultural Rights.
5. Although it is not expressly prohibited under the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention"), marital captivity may also violate a wide range of provisions under this convention. Moreover, many of the measures that States are called upon to take under the Istanbul Convention in order to prevent, prosecute and provide protection from all forms of violence against women and domestic violence also provide highly effective means of combating marital captivity.
6. To tackle marital captivity effectively and put an end to the human rights violations that it causes, States must address the full scope of situations potentially concerned. These include cases where one party to a civil marriage is unable to put an end to it, for example due to obstacles to obtaining a civil law divorce, because of a conflict of laws between countries or risk of losing residency status in the country where they live, or because of coercion (notably psychological, physical or economic) exerted by the other party. They may also include cases where a religious or customary marriage has been concluded (with or without a civil marriage), which one party is unable to end due to religious or customary law or practices.

1. *Assembly debate* on 25 January 2023 (6th sitting) (see [Doc. 15679](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Margreet De Boer). *Text adopted by the Assembly* on 25 January 2023 (6th sitting).



7. The Parliamentary Assembly welcomes the fact that some States have begun to take measures to strengthen their legislation in this field, and that many measures taken to implement the Istanbul Convention may also provide solutions to some aspects of cases of marital captivity. Civil society organisations, notably women's rights organisations, organisations working with migrant women and feminist religious organisations, have also identified effective strategies for preventing marital captivity and means of responding to the needs of women unable to leave their marriage or marital situation.

8. Awareness of these important human rights issues remains too low, however, and there is a pressing need to take measures to prevent marital captivity and ensure that effective solutions are readily accessible to victims wherever it occurs.

9. In the light of these considerations, the Assembly invites Council of Europe member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly:

9.1. as regards strengthening the law in this area and its implementation, to:

9.1.1. ratify and implement the Istanbul Convention, if they have not yet done so;

9.1.2. refrain from depositing reservations to Article 59 of the Istanbul Convention, and withdraw any reservations already deposited;

9.1.3. ensure that putting an end to a situation of marital captivity will not cause the trapped spouse to lose their residency status;

9.1.4. step up their efforts and diplomacy to prevent transnational situations of marital captivity from arising due to inconsistencies between laws;

9.1.5. strengthen wherever necessary the criminal law provisions applicable to coercive or controlling behaviour, as well as those applicable to other forms of psychological, economic and physical coercion, in order to ensure that they effectively apply to all cases of marital captivity, whether or not there is a legally recognised marriage and including where the spouses no longer live together;

9.1.6. train police and legal professionals to recognise situations of marital captivity and to use these provisions effectively;

9.1.7. ensure that perpetrators of forms of marital captivity covered by criminal law are prosecuted, in order to put an end to impunity in this area;

9.1.8. ensure that no-fault civil divorce is available to everyone and that civil divorce proceedings are accessible to everyone, including by making legal aid available to all persons in situations of marital captivity, regardless of their residency status;

9.1.9. explore means of using the legal system to combine civil divorce proceedings with an obligation to co-operate with religious divorce proceedings, without placing the trapped spouse at risk of criminal proceedings if they seek to use these provisions;

9.2. as regards preventive measures, to:

9.2.1. work together with religious and other communities, using a bottom-up, internormative approach and involving interdisciplinary networks of experts as well as activists already working within these communities to combat marital captivity, in order to overcome religious attitudes and customary practices that favour marital captivity;

9.2.2. actively support the efforts of religious communities and organisations seeking to promote the use of prenuptial contracts to prevent situations of marital captivity from arising;

9.2.3. ensure that women migrating to a country to accompany their husband or in order to marry are fully informed, before they leave their country of origin and in their own language, as to their rights in the destination country and about how to seek support if necessary;

9.2.4. support the activities of civil society organisations working to reach out to and empower women most at risk of marital captivity, notably women who may be living in isolation from the broader community and migrant women whose residency status may be at risk if they put an end to their marriage;

9.2.5. run awareness-raising campaigns on marital captivity and make information readily accessible in all necessary languages about what marital captivity is and the solutions that exist;

9.3. as regards measures to protect victims, to ensure that the full range of support measures set out in the Istanbul Convention is available to persons seeking to escape situations of marital captivity, and in this context, to ensure in particular that:

9.3.1. adequate structures are in place to assist victims of marital captivity, including telephone helplines for urgent calls and accommodation and shelters for women and girls who have had to leave their home;

9.3.2. support provided to victims of marital captivity effectively guarantees their financial security and independence;

9.3.3. victims of marital captivity do not lose their residency status but are granted autonomous residency permits;

9.4. as regards broader policy measures, to:

9.4.1. include the fight against marital captivity in their national policies and practices to prevent and combat violence against women and girls and domestic violence;

9.4.2. collect accurate and comparable data on marital captivity, broken down by gender and age, and carry out detailed studies on the causes and frequency of these practices and on the associated risk factors.

10. The Assembly expresses its support for civil society organisations working to raise awareness of and combat marital captivity and calls for these organisations to be given stable and long-term backing, including financial resources.



Resolution 2482 (2023)¹

Provisional version

Legal and human rights aspects of the Russian Federation's aggression against Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly reiterates that the Russian Federation's armed attack and large-scale invasion of Ukraine launched on 24 February 2022 constitute an "aggression" under the terms of Resolution 3314 (XXIX) of the United Nations General Assembly adopted in 1974 and are clearly in breach of the Charter of the United Nations. The attempted annexation of the Ukrainian regions of Donetsk, Kherson, Luhansk and Zaporizhzhia, following the illegal so-called referendums organised by the Russian Federation in these regions in September 2022, is a further escalation of the aggression against Ukraine. It clearly violates the principle of international law according to which no territorial acquisition resulting from the use of force shall be recognised as legal. The Russian Federation will be considered as continuing its aggression as long as the sovereignty, territorial integrity, unity and political independence of Ukraine within its internationally recognised borders will be fully re-established. The Assembly recalls that the ongoing aggression is a continuation of the aggression started on 20 February 2014, which included the invasion, occupation and illegal annexation of Crimea by the Russian Federation.
2. The Assembly notes that the aggression constituted a serious violation by the Russian Federation of the Statute of the Council of Europe (ETS No.1), which justified the unprecedented decision by the Committee of Ministers to exclude the Russian Federation from the Organisation, in line with the unanimous position expressed by the Assembly in its [Opinion 300 \(2022\)](#).
3. The Assembly also notes that Belarus has participated in the Russian Federation's aggression against Ukraine, as it has allowed its territory to be used by the Russian Federation for perpetrating acts of aggression against Ukraine. Its role and complicity should be condemned by the international community and its leaders should be held to account.
4. The Assembly considers that the unprovoked acts of aggression committed by the Russian Federation and Belarus, given their character, scale and gravity, constitute manifest violations of the Charter of the United Nations, in particular of the prohibition on the use of force contained in Article 2(4). They lack any plausible legal justification under *jus ad bellum*, such as self-defense. These acts therefore meet the definition of the crime of aggression as set out in Article 8 bis of the Statute of the International Criminal Court (ICC) and under customary international law. The Russian and Belarusian political and military leaders who planned, prepared, initiated or executed these acts, and who were in a position to control or direct the political or military action of the State, should be identified and prosecuted. Without their decision to wage this war of aggression against Ukraine, the atrocities that flow from it (war crimes, crimes against humanity and possible genocide), as well as all the destruction, death and damage resulting from the war, including from lawful acts of war, would not have occurred. As the United Nations Human Rights Committee has stated, States engaged in acts of aggression as defined in international law, resulting in deprivation of life, violate *ipso facto* the right to life guaranteed by Article 6 of the International Covenant on Civil and Political Rights.

1. *Assembly debate* on 26 January 2023 (7th sitting) (see [Doc. 15689](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Damien Cottier). *Text adopted by the Assembly* on 26 January 2023 (7th sitting).



5. The Assembly notes that the ICC does not have at present jurisdiction over the crime of aggression committed against Ukraine, given that neither the Russian Federation, Belarus nor Ukraine are parties to the ICC Statute and that the United Nations Security Council has not referred the situation to the ICC Prosecutor. The likely exercise and abuse of the right to veto by the Russian Federation at the UNSC render such a referral highly implausible in the present circumstances. The Assembly further notes that there is no other international criminal tribunal competent to prosecute and punish the crime of aggression committed against Ukraine. Domestic prosecutions, in Ukraine and in other countries on the basis of the principles of territoriality or universal jurisdiction, face many legal and practical challenges, including in terms of perceived impartiality, legitimacy and immunities.

6. The Assembly therefore reiterates its unanimous call on member States and observer States of the Council of Europe to set up a special international criminal tribunal for the crime of aggression against Ukraine, which should be endorsed and supported by as many States and international organisations as possible, and in particular by the United Nations General Assembly. The proposal to create a special tribunal for the crime of aggression against Ukraine has so far received the support of several national parliaments and governments, the European Parliament, the European Commission, the Parliamentary Assembly of the Organization for Security and Co-operation in Europe and the Parliamentary Assembly of the North Atlantic Treaty Organization. The Committee of Ministers has welcomed the ongoing efforts, in co-operation with Ukraine, to secure accountability for the crime of aggression. The Assembly considers that the Council of Europe Heads of State and Government, at their 4th Summit in Reykjavik in May 2023, should give their political support to the creation of such a tribunal and provide Council of Europe's concrete expert and technical support to the process of its establishment, in close co-ordination with other interested international organisations and States. The Assembly considers that the Council of Europe should have an active leading role in the establishment of the special tribunal, participate in relevant consultations and negotiations and provide concrete expert and technical support for the process of establishment of the special tribunal.

7. The Assembly strongly supports the creation of a special tribunal that would have the following features:

7.1. Its jurisdiction would be limited to the crime of aggression committed against Ukraine and would extend *ratione temporis* to the aggression started by the Russian Federation in February 2014. Its jurisdiction would include the role and complicity of the leaders of Belarus in the war of aggression against Ukraine.

7.2. Its statute would contain a definition of the crime of aggression in line with Article 8bis of the ICC Statute and customary international law.

7.3. Its statute would clearly state that personal immunities would not apply to incumbent State officials, in line with the practice of other international criminal tribunals, and that functional immunities would in any event not be applicable to the crime of aggression. The official capacity as a head of State or government, a member of government or parliament, an elected representative or government official should in no case exempt the accused person from criminal responsibility for the crime of aggression or justify a mitigated punishment. This principle should apply to nationals of States non-parties to the constitutive treaty or agreement, in particular those of the aggressor State and its accomplice.

7.4. Its statute would contain a list of fair trial rights of the accused, as well as a reference to the principles of legality and *non bis in idem*, in line with international human rights law and the European Convention on Human Rights (ETS No. 5), as interpreted by the European Court of Human Rights.

7.5. Its role would be complementary to the ICC's jurisdiction and in no way limit or affect the latter's exercise of jurisdiction over war crimes, crimes against humanity and possible genocide committed in the context of the ongoing aggression and its jurisdiction in general. Both the ICC and the special tribunal should agree on practical and legal issues such as sharing of evidence, custody of suspects, developing common witness protection schemes, sequencing of trials of individuals prosecuted by both courts.

7.6. Its seat should be established in The Hague, with a view to ensuring complementarity and co-operation with the ICC and other international courts and institutions.

7.7. States and international organisations supporting the special tribunal should provide to it sufficient human and financial resources, ensuring its full independence and effective operational functioning while taking into account, in its structure, the fact that it will certainly not immediately or not permanently be able to operate at full capacity.

8. Pending the establishment of a special tribunal on the crime of aggression against Ukraine, the Assembly calls on member States and the Council of Europe to support and provide concrete expert and technical assistance to the process of setting up an Interim International Prosecutor's Office to investigate the crime of aggression, in close co-operation with the Prosecutor General's Office of Ukraine. Member States should co-operate closely with that Office and make sure in their internal legislation that close judicial co-operation with it is ensured. Such an office could be based outside Ukraine, ideally in The Hague.

9. In parallel to the creation of a special tribunal, the Assembly calls on member States and observer States that have not yet ratified the ICC Statute or the Kampala amendments to do so at the earliest possible date. They should also take the necessary steps to amend the ICC Statute's jurisdictional regime, either by allowing referrals to the ICC by the United Nations General Assembly when the UNSC is blocked, or by removing the existing limits on the jurisdiction over the crime of aggression in order to make it consistent with the other crimes subject to its jurisdiction. These changes would reinforce the overall consistency, legitimacy and universality of international criminal justice, in particular with regard to the crime of aggression. The proposal to create a special tribunal to respond to the ongoing criminal aggression against Ukraine and the long-term reform of the ICC Statute enabling the ICC to prosecute and punish similar (future) aggressions are not mutually exclusive and should be pursued in parallel.

10. The Assembly is outraged by the numerous reports of atrocities, gross human rights violations and violations of international humanitarian law committed by Russian forces or affiliated armed groups, and specifically the horrendous role of the Wagner Group, in the course of hostilities or in areas temporarily occupied by them during the ongoing war of aggression. These include indiscriminate attacks against civilians and civilian objects, including hospitals, schools, nuclear power plants, energy and water infrastructure, and cultural heritage sites, in breach of the principles of distinction, proportionality and precaution. They also include summary executions of civilians; targeted killings; torture and ill-treatment of civilians and prisoners of war; enforced disappearances; abductions; rape and other forms of sexual violence; unlawful confinement of civilians; forcible transfer and deportation of Ukrainian citizens, including children, to the Russian Federation or Russian-occupied areas; use of explosive weapons in populated areas; looting; forced "passportisation" and conscription of Ukrainian citizens; and trials and death sentences against prisoners of war. There are strong indications that many of these violations amount to grave breaches of the Geneva Conventions and war crimes and that some may even qualify as crimes against humanity, as part of a widespread or systematic attack against the civilian population in Ukraine.

11. The Assembly utterly condemns these crimes and reiterates its call on the international community to send a clear message that perpetrators of war crimes and crimes against humanity will be held to account and that impunity for such crimes is unacceptable. This applies equally to low-ranking perpetrators and those who bear command responsibility for the crimes. Both the Russian Federation and Ukraine have a primary responsibility under international law to investigate and prosecute such crimes and to bring the perpetrators to justice.

12. The Assembly notes that there is mounting evidence that the Russian official rhetoric used to justify the full-scale invasion and aggression against Ukraine, the so-called "de-Ukrainianisation" process, carries characteristics of public incitement to genocide or reveals a genocidal intent to destroy the Ukrainian national group as such or at least part of it. It recalls that the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which both Ukraine and the Russian Federation are parties, prohibits direct and public incitement to commit genocide and the attempt to commit genocide. It also notes with the utmost concern that some of the acts committed by Russian forces against Ukrainian civilians could fall under Article II of the Convention, such as killings and forcible transfer of children of one group to another group for russification purposes through adoption by Russian families and/or transfer to Russian-run orphanages or residential facilities like summer camps.

13. The Assembly recalls that all States Parties to the Genocide Convention have a duty to punish genocide. As interpreted by the International Court of Justice, they also have an obligation to prevent genocide and a corresponding duty to act, which arises at the instant when the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed.

14. The Assembly notes that international and domestic accountability mechanisms already exist in order to investigate, prosecute and, where appropriate, punish war crimes, crimes against humanity, and possible genocide committed during the ongoing war. These include the ICC, which has jurisdiction over such crimes allegedly committed on Ukrainian territory; the criminal justice system of Ukraine; and the criminal justice systems of third States that have jurisdiction on the basis of the principle of universal jurisdiction or the principles of active or passive personality. The Assembly welcomes the referral of the current situation in

Ukraine to the ICC Prosecutor by 43 States Parties to the ICC Statute. It strongly supports the investigations opened by the ICC Prosecutor, the Prosecutor General's Office of Ukraine and third countries and welcomes the setting up of a Joint Investigation Team to co-ordinate relevant efforts.

15. The Assembly calls on member States and observer States of the Council of Europe to:

15.1. fully support the investigation launched by the ICC Prosecutor into the situation in Ukraine, by sharing any evidence in their possession, and by providing in a sustainable manner adequate human and financial resources to the ICC enabling it to face its increased and unprecedented workload;

15.2. assist the Ukrainian authorities and, in particular, the Prosecutor General's Office in their ongoing efforts to investigate alleged international crimes committed in Ukraine, by strengthening their capacities, by providing resources and expertise, including forensic experts, and where appropriate, by collecting, preserving and sharing evidence from potential victims and witnesses who have fled Ukraine, in accordance with human rights standards in order to ensure its admissibility in criminal proceedings;

15.3. provide expert support to the Ukrainian authorities in their efforts to investigate conflict-related sexual violence, which is often under-reported by victims;

15.4. make use of the principle of universal jurisdiction or other principles (active or passive personality) to investigate and prosecute alleged international crimes committed in Ukraine;

15.5. join or co-operate with the Joint Investigation Team set up by Ukraine and certain European Union member States under the auspices of Eurojust and with the participation of the ICC Prosecutor, with the aim of exchanging evidence and information in connection with the ongoing investigations on alleged crimes committed in Ukraine;

15.6. make use of Council of Europe and other international instruments on mutual legal assistance to the widest extent possible, for the purposes of collecting, transferring and using evidence in connection with alleged crimes committed in Ukraine, and if necessary envisage extending them;

15.7. support the work of Ukrainian and international non-governmental organisations, as well as human rights defenders and journalists on the ground, in the collection of evidence and documentation of alleged international crimes or the provision of different types of assistance to victims and witnesses, including with regard to the forcible transfer of children to the Russian Federation and Russian-occupied territories;

15.8. ensure increased co-ordination and coherence between all accountability mechanisms and actors involved, with a view to preventing duplication and enhancing efficiency;

15.9. ratify the Rome Statute of the ICC and its amendments, including the Kampala amendments, if they have not yet done so.

16. The Assembly calls on the Ukrainian authorities to strictly comply with their obligations under international humanitarian law and to conduct thorough investigations of all alleged war crimes and violations of international humanitarian law allegedly committed by Russian or by Ukrainian forces and combatants, regardless of the affiliation of the perpetrator or the victim. All trials before Ukrainian courts should be conducted respecting the right of the suspects to a fair trial under international human rights law and international humanitarian law. To this end, the Assembly encourages the Ukrainian authorities to co-operate with international trial observers and to consider inviting international legal professionals to participate in upcoming trials. Resulting convictions should be compatible with the principle of legality enshrined in Article 7 of the European Convention on Human Rights, which cannot be subject to derogation in time of war.

17. The Assembly also calls on the Ukrainian authorities to put a particular emphasis on activating all the relevant procedures to gather information on and ensure the safe return of forcibly transferred Ukrainian children from the Russian Federation and Russian-occupied territories.

18. The Assembly welcomes the adoption on 14 November 2022 by the United Nations General Assembly of the resolution entitled "Furtherance of remedy and reparation for aggression against Ukraine", which recognises that the Russian Federation must bear the legal consequences of all its internationally wrongful acts in or against Ukraine, including by making reparation for the injuries and losses caused by such acts. This resolution further recognises the need for the establishment of an international mechanism for the reparation of related damage, loss or injury and recommends the creation by member States, in co-operation with Ukraine, of an international register of damage.

19. In this context, the Assembly reiterates its call on all member States of the Council of Europe to set up an international compensation mechanism, including an international register of damage, in co-operation with the Ukrainian authorities. The Assembly stresses the Council of Europe's comparative advantage due to the experience gained by the European Court of Human Rights and the Committee of Ministers in assessing and enforcing just satisfaction claims for serious human rights violations and considers that the Organisation should play a leading role in setting up and managing the future mechanism. Such a mechanism would have the following features:

19.1. It would be established by a multilateral treaty or agreement, open to all like-minded States, with the support of the United Nations, the Council of Europe, the European Union and other international organisations.

19.2. It would include as a first step a register of damage, which would create a record of evidence and claims on damage, loss or injury caused to all natural and legal persons in Ukraine, as well as the State of Ukraine, by violations of international law arising from the Russian Federation's aggression against Ukraine.

19.3. It would include at a later stage an international compensation commission, mandated to review and adjudicate the claims submitted and documented by the register, as well as a compensation fund, from which compensation awards would be paid to successful claimants. The founding treaty or agreement would regulate matters such as the funding of the compensation fund, the enforcement of compensation awards, and how decisions by other international bodies and courts on reparation and compensation in connection with the Russian aggression, such as judgments of the European Court of Human Rights, could be enforced through such a mechanism.

20. The Assembly, while reiterating its previous recommendations addressed to the Russian Federation since the outbreak of its aggression against Ukraine, calls on the Russian Federation to:

20.1. cease its aggression against Ukraine immediately and unconditionally;

20.2. completely and unconditionally withdraw its occupying forces, including its own military as well as proxies, from the internationally recognised territory of Ukraine;

20.3. comply strictly with its obligations under international law, including the Charter of the United Nations, international human rights law and international humanitarian law;

20.4. immediately stop attacks against civilians and civilian objects, including mass indiscriminate attacks, ensure full respect for the principles of distinction, proportionality and precaution, and authorise the International Committee of the Red Cross to have full access for visits to prisoners of war;

20.5. immediately cease the forced deportation and transfers of Ukrainian civilians, including children, to the Russian Federation and the Russian-occupied territories, allow their safe return and, in the case of children, ensure that they are promptly reunited with their families;

20.6. investigate effectively all allegations of war crimes, crimes against humanity and possible genocide committed by Russian forces and affiliated armed groups, and ensure as appropriate that all perpetrators and those bearing command responsibility are properly prosecuted and punished;

20.7. co-operate with the investigations and proceedings before the ICC and the International Court of Justice (ICJ) and comply with their decisions, including the ICJ order of 16 March 2022 indicating that the Russian Federation should immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine;

20.8. co-operate with the United Nations Commission of Inquiry on Ukraine and comply with its recommendations;

20.9. co-operate with proceedings before the European Court of Human Rights, in relation to acts or omissions capable of constituting a violation of the Convention provided that they occurred up until 16 September 2022, in particular in the context of the inter-state case *Ukraine v. Russia (X)* concerning alleged mass and gross human rights violations committed by the Russian Federation in Ukraine since 24 February 2022, and of any related individual applications against the Russian Federation, and comply with the interim measures indicated by the Court under Rule 39 of its Rules of Court in the context of these proceedings.

21. The Assembly furthermore invites:

21.1. the European Court of Human Rights to further prioritise the examination of inter-state and individual applications against the Russian Federation stemming from the ongoing war of aggression;

21.2. the members of the United Nations Security Council to consider putting to a vote and not obstructing a Security Council resolution seeking referral of the situation in Ukraine to the ICC Prosecutor under Chapter VII of the Charter of the United Nations;

21.3. the United Nations General Assembly to support and endorse the setting up of a special international criminal tribunal for the crime of aggression against Ukraine and of an international compensation mechanism for the injury, damage and loss incurred by the State of Ukraine as well as by natural and legal persons in Ukraine, due to the Russian war of aggression;

21.4. the European Union to co-ordinate closely its efforts with the Council of Europe in ensuring a comprehensive system of accountability for the Russian Federation's aggression against Ukraine, including the crime of aggression, war crimes, crimes against humanity, possible genocide, and reparation of damages.

22. The Assembly calls on Belarus and the regime in place to refrain from any further involvement in the aggression, including by allowing its territory to be used by the Russian Federation for perpetrating acts of aggression against Ukraine, and to comply with its obligations under international law.

23. The Assembly considers the inability of the United Nations and its Security Council to counter the Russian aggression due to an abuse of the right to veto to be an existential threat to international rule-based order and the democratic security of Council of Europe member States. In this respect, the Assembly supports all efforts and discussions on unblocking the situation at the United Nations and making the United Nations more efficient, including a call to request an advisory opinion from the International Court of Justice on potential limitations of the right to veto implicit in the Charter and general principles of law.

24. The Assembly should continue to follow developments relating to the Russian Federation's aggression against Ukraine and its legal and human rights aspects. Once hostilities have ended, the Assembly should consider holding one of its part-sessions in Kyiv, as an expression of solidarity with Ukraine.



Resolution 2483 (2023)¹

Provisional version

The progress of the Assembly's monitoring procedure (January-December 2022)

Parliamentary Assembly

1. The Parliamentary Assembly acknowledges the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in [Resolution 1115 \(1997\)](#) (modified) on the “Setting up of an Assembly Committee on the honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee)”. In particular, it welcomes the committee’s work in accompanying the 11 countries under a full monitoring procedure (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Hungary, the Republic of Moldova, Poland, Serbia, Türkiye and Ukraine), the three countries engaged in a post-monitoring dialogue (Bulgaria, Montenegro and Northern Macedonia) in their efforts to comply fully with the obligations and commitments they entered into upon accession to the Council of Europe, as well as the countries subject to periodic monitoring of their membership obligations, which was completed in 2022 in respect of Hungary, Malta and Romania, and is currently carried out for France, the Netherlands and San Marino.
2. The Assembly notes the committee’s continued attention to the developments concerning relations between Armenia and Azerbaijan. The Assembly takes note of the most recent urgent notice of the European Court of Human Rights sent to the Committee of Ministers of the Council of Europe calling for the monitoring of Azerbaijan's implementation of its decision of 21 December 2022 regarding the Lachin Corridor, and calls for the immediate and full implementation of the interim measures decided by the Court. The Assembly is also monitoring the situation around the Armenian prisoners of war and civilian captives who are still detained in Azerbaijan. The Assembly calls upon Azerbaijan to immediately release all detainees.
3. It commends the Sub-Committee on Conflicts concerning Council of Europe Member States for the work it has undertaken during the reporting period with regard to the consequences of the war between the Russian Federation and Georgia, and in particular on recent developments in the Georgian regions of Abkhazia and Tskhinvali/South Ossetia as well as on recent developments in the Transnistrian settlement process.
4. It confirms that as a result of the Committee of Ministers’ decision of 16 March 2022 to expel the Russian Federation from the Council of Europe with immediate effect, in reaction to the Russian aggression against Ukraine, the monitoring procedure for the Russian Federation was immediately closed as the mandate of the Monitoring Committee is limited to Council of Europe member States.
5. The Assembly welcomes the positive developments and progress made during the reporting period in the countries under a full monitoring procedure or engaged in a post-monitoring dialogue, expresses its concern about some negative developments and remaining shortcomings and urges all these countries to step up their efforts to fully honour their membership obligations and accession commitments to the Council of Europe, while it stands ready and committed to co-operate and assist member States in this respect. In particular:

1. *Assembly debate* on 26 January 2023 (8th sitting) (see [Doc. 15682](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteur: Mr Piero Fassino). *Text adopted by the Assembly* on 26 January 2023 (8th sitting).



6. Regarding countries under a full monitoring procedure:

6.1. with respect to Albania: the Assembly welcomes the return of the main opposition parties to the work of the parliament following the parliamentary elections in 2021. It calls upon the ruling majority and opposition to overcome the deep polarisation and systemic political crisis in the country. The Assembly notes with satisfaction that the parliament has extended the constitutional deadline for the vetting of all judges and prosecutors in the country. It takes note of the proposed new judicial map and encourages all stakeholders to ensure that this new map will not jeopardise the access of citizens to the justice system. The Assembly welcomes the fact that all anti-corruption structures are now fully operational and hopes that this will result in an increased number of convictions for high level corruption, which remains a problem. While welcoming the announcement of the authorities that they intend to remove the so-called anti-defamation package of amendments from the agenda of the parliament, it expresses its serious concern about the deteriorating media environment. It calls upon the authorities to refrain from any actions and policies that could have a negative effect on freedom of expression and media freedom in the country;

6.2. with respect to Armenia: referring to [Resolution 2427 \(2022\)](#), the Assembly welcomes the marked progress in the democratic development of Armenia and calls on the authorities to complete the reform of the electoral framework, to continue the reform of the judiciary and to strengthen media freedom. The Assembly resolves to continue to closely follow developments with regard to institutional balances and the establishment of a democratic culture;

6.3. with respect to Azerbaijan: the Assembly welcomes the authorities' declared commitment to political dialogue but regrets that in general, the situation in Azerbaijan has not improved and that a number of outstanding concerns with regard to the rule of law, pluralist democracy and human rights remain unaddressed. They include serious concerns with regard to the independence of the judiciary, media freedom and freedom of expression, freedom of association and political freedom, as well as allegations of torture and ill-treatment by law enforcement officials and unsatisfactory detention conditions;

6.4. with respect to Bosnia and Herzegovina: the Assembly takes note of the holding of general elections and calls on the elected officials to proceed without delay with the formation of institutions at State and entity level and to adopt the critical reforms called upon by the European Union, the Group of States against Corruption (GRECO) and the Organization for Security and Co-operation in Europe (OSCE). The Assembly also calls on the newly constituted authorities to undertake the constitutional and electoral reforms to bring the Constitution into line with the European Convention on Human Rights (ETS No. 5), complying with the Sejdić and Finci group of cases;

6.5. with respect to Georgia: with reference to [Resolution 2438 \(2022\)](#), the Assembly welcomes the progress made by Georgia in honouring its obligations and commitments and encourages all political forces to address the remaining recommendations and concerns expressed in this resolution. In that respect it remains concerned about the extreme political polarisation in the country which affects the reforms and stakeholder participation in the reforms needed for further democratic consolidation and Euro-Atlantic integration of the country. The Assembly urges the authorities to implement a thorough, independent evaluation of its reforms of the judiciary with a view to guiding future reforms to ensure a genuine independent judiciary in the country. It takes note of recent developments with regard to the media and concerns expressed in that regard. It encourages the authorities to take all possible steps to reduce the tensions in the media environment. The Assembly reiterates its full support for Georgia's sovereignty and territorial integrity within its internationally recognised borders and its concern and condemnation of the illegal occupation and creeping annexation by the Russian Federation of the Georgian regions of Abkhazia and Tskhinvali/South Ossetia. It encourages the authorities to address the 12 recommendations of the European Union so that it can be given the candidate status for European Union membership that it rightfully aspires to;

6.6. with respect to Hungary: referring to [Resolution 2460 \(2022\)](#), the Assembly recalls its decision of 13 October to open a monitoring procedure to address the questions pertaining to the rule of law and democracy, including the excessive concentration of powers and use of special legal orders or cardinal laws, that have remained largely unaddressed. It invites the Hungarian authorities to review their electoral framework in the light of the 2021 opinion of the European Commission for Democracy through Law (Venice Commission) and to improve the media environment, so as to ensure the fairness of the electoral procedure. It calls on the Hungarian authorities to urgently revise the National Security Services Act and to repeal the legislation pertaining to the "dissemination of false information". Taking note of the steps taken to improve the functioning of democratic institutions, strengthen the

transparency of the legislative process and improve the anti-corruption framework, the Assembly strongly encourages the authorities to seek the expertise of the Council of Europe to ensure the compliance of these measures with previous Venice Commission and GRECO recommendations;

6.7. with respect to the Republic of Moldova: the Assembly acknowledges that the country has faced considerable new challenges following the outbreak of the war in neighbouring Ukraine, adding to the pandemic, the energy and economic crisis. It applauds the Moldovan authorities for their management of the refugee crisis and the resilience and solidarity shown by the population. The Assembly calls on the authorities to remain committed to the reforms undertaken to restore the rule of law and trust in State institutions in consultation with all stakeholders. It welcomes the constructive co-operation established with the Venice Commission, in particular for the reform of the justice system and the prosecution office. It encourages the authorities to adopt the new Electoral Code in line with the Venice Commission's recommendations. The Assembly refers to [Resolution 2484 \(2023\)](#) "The honouring of obligations and commitments by the Republic of Moldova" and invites the authorities to implement it;

6.8. with respect to Poland: the Assembly underscores the exemplary role played by the country in the context of the Russian aggression against Ukraine, and the extensive assistance provided to that country, including by hosting more than 1.4 million Ukrainian refugees on its territory. At the same time, the Assembly remains seriously concerned with regard to the independence of the judiciary and with the adherence of the judicial system with European rule of law standards and norms. It is deeply concerned about the judgments of the Constitutional Tribunal that consider article 6 (right to a fair trial) of the European Convention on Human Rights incompatible with the Polish Constitution under certain conditions. The Assembly reiterates its position that these judgments are an unacceptable challenge to the supremacy of the Convention and run counter to the obligation of all member States to fully implement the Convention and judgments of the European Court of Human Rights. It calls upon the Polish authorities to unconditionally execute the judgments of the Court, including by amending the Constitution if necessary. The Assembly considers that the lack of independence of the National Council of the Judiciary is a key obstacle for the country to meet its rule of law commitments and calls for the reform of the National Council of the Judiciary in line with Venice Commission recommendations.

6.9. with respect to Serbia: the Assembly welcomes the adoption in January 2022, by referendum, of the constitutional amendments to depoliticise the judiciary and the preparation of subsequent secondary legislation for their implementation in co-operation with the Venice Commission. It encourages the Serbian authorities to take the Venice Commission's recommendations fully into account. The Assembly welcomes the adoption of amendments to the electoral legislation and the election of a more pluralistic parliament in April 2022 but urges the authorities to address long-standing issues such as: access to media, campaign finance, pressure on voters, and to adopt measures to allow for the public scrutiny and audit of voter lists. Concerning the fight against corruption, the Assembly welcomes the progress noted by GRECO, notably the adoption of a code of conduct for parliamentarians. It encourages the authorities to adopt an anti-corruption strategy and address the deficiencies in corruption prevention amongst persons with senior executive functions. The Assembly remains concerned about the level of violence against journalists and the media environment. Recalling the difficulties faced by the organisers of the Europride parade in September 2022, the Assembly urges the authorities to fully ensure freedom of assembly. In addition, the Assembly expects the Serbian authorities to continue the peaceful dialogue with the Kosovo*² with a view to solving all outstanding issues;

6.10. with respect to Türkiye: recalling [Resolution 2459 \(2022\)](#), the Assembly welcomes the decrease of the electoral threshold from 10 to 7%. However it reiterates its concerns regarding the overall electoral environment, including electoral amendments adopted in April 2022 in light of the [June 2022 opinion](#) of the Venice Commission, the state of freedom of expression and the media, the independence of the judiciary and the pending procedure aimed at closing the second largest opposition party, the Peoples' Democratic Party (HDP). It calls on the Turkish authorities to put an end to the arrests of journalists and civil society activists, which further undermine the exercise of democratic rights. Concerning the implementation of the judgments of the European Court of Human Rights, it calls on the Turkish authorities to ensure the implementation of the Kavala judgment, his release, and the release of his co-defendants. It strongly encourages the Turkish authorities to co-

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.

operate with the Venice Commission to ensure the compliance of the legal and constitutional framework with Council of Europe standards and to implement its recommendations and, at the very least, to implement the electoral legislation in a spirit that will be conducive to ensuring a level playing field;

6.11. with respect to Ukraine: the Assembly notes that as a result of the Russian Federation's military aggression, no normal monitoring of obligations and commitments can take place. It lauds the Ukrainian authorities for their considerable efforts to ensure the continuing functioning of the democratic and rule of law institutions, in spite of the challenging situation caused by the war. In that respect, the Assembly welcomes the ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") on 18 June 2022. While welcoming the reforms and legislative initiatives that are being implemented, also in support of its EU candidate status, the Assembly urges the authorities to ensure, notwithstanding the difficult situation, democratic and rule of law norms and principles are maintained as much as possible. The Assembly encourages the monitoring co-rapporteurs for Ukraine to continue to closely follow these developments.

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

7.1. with respect to Bulgaria: the Assembly is fully aware that a major political crisis triggered by the corruption scandals with which Bulgaria has been confronted since July 2020 and which have resulted in four consecutive early parliamentary elections, has inevitably had a negative impact on progress with regard to the implementation of recommendations made in the Assembly [Resolution 2296 \(2019\)](#). A solution is needed to solve the electoral impasse and it requires compromise. The Assembly stands ready to assist Bulgaria in this process. It urges the authorities to address the outstanding concerns with regard to high level corruption, transparency in media ownership, human rights of minorities, and hate speech and violence against women. At the same time, it welcomes the smooth organisation of elections with respect for fundamental freedoms;

7.2. with respect to Montenegro: recalling [Resolution 2374 \(2021\)](#), the Assembly commends the developments in the fight against corruption but regrets the failure to carry out the appointments to the Constitutional Court and Judicial Council required to improve the rule of law and the functioning of democratic institutions. The Assembly calls on political parties to proceed with such appointments without delay and to implement the recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) regarding the electoral process before the next presidential and parliamentary elections;

7.3. with respect to North Macedonia: the Assembly welcomes the signature of a bilateral agreement concerning the adoption of a negotiating Framework by the European Union Council in July 2022. The Assembly encourages the political forces in North Macedonia to reach a political compromise to allow the country to pursue its EU integration path. The Assembly also encourages the authorities to pursue the reforms launched to strengthen the rule of law, democracy and human rights, to release all the results of the census and, on the basis of the significant progress identified by the Advisory Committee on the Framework Convention for the Protection of National Minorities, to ensure the practical implementation of the legislation for the protection of national minorities. In the field of the judiciary, the Assembly encourages the country to implement GRECO's July 2022 recommendations and notably to adopt the new Code of Ethics for MPs and its Guidelines.

8. Regarding the countries that are currently subject to the procedure for the periodic review of membership obligations to the Council of Europe:

8.1. with respect to Malta: with reference to [Resolution 2451 \(2022\)](#), the Assembly reiterates its recommendation that the ruling majority and opposition consider a far-reaching reform of the Maltese Parliament with a view to establishing a full-time parliament that can provide proper parliamentary oversight and regain legislative initiative. The continuing vulnerability of Malta's public sector to corruption remains a point of concern. In that context, the Assembly regrets that the Maltese authorities have not followed its recommendation to abolish the country's "citizenship by investment" programme. While the media environment remains a cause for concern, the Assembly welcomes the establishment of a Committee of experts on Media, headed by the former Chair of the Independent Investigation Commission into the murder of Ms Daphne Caruana Galizia and the government's response to it, which is a signal that the authorities wish to address these concerns;

8.2. with respect to Romania: with reference to [Resolution 2466 \(2022\)](#), the Assembly welcomes the ongoing reform of the judicial system in Romania and expresses its confidence that three draft Justice Laws: on the status of Magistrates; on the Organisation of the Judiciary; on the Superior Council of Magistrates would take into account the Venice Commission's recommendations requested by the Monitoring Committee. It also notes with satisfaction the progress towards compliance with Council of

Europe standards in areas crucial for the functioning of democratic institutions, namely the judiciary and the fight against corruption. It deplores, however, that some issues still raise some concerns particularly with regard to media freedom and insufficient transparency concerning the use of public funds by political parties to finance media in order to influence their content;

8.3. with respect to San Marino: the Assembly welcomes the recent reforms to strengthen the system of checks and balances and independence of the judiciary in the country. The Assembly underscores that these reforms should not be considered the end of the road but a starting point for ongoing reforms to ensure the efficient functioning of democratic institutions and to address any concerns with regard to their vulnerability to conflicts of interest and corruption. In this context the Assembly urges the Sammarinese authorities to ensure that laws and reforms are fully and consistently implemented to ensure their efficacy and tangible results in the eyes of the Sammarinese citizens.

9. The Assembly reiterates its support for the efforts of the Monitoring Committee to ensure the monitoring of membership obligations of all Council of Europe member States in the framework of the periodic monitoring reports. It is aware of specific conditions and procedural requirements linked to the preparation of these reports which mean that a single two-year reference period, in accordance with Article 26 of the Rules of Procedure is insufficient, and it resolves to address this question in the forthcoming general revision of its rules. In this context, the Assembly welcomes the committee's decision to revise its internal working methods with a view to being better able to respond to current events and developments in member States.

10. The Assembly deplores the ongoing issue of the insufficient availability of monitoring rapporteurs. It calls on political groups to ensure that availability to carry out the work of rapporteurs constitutes an important criterion when nominating members to the committee and candidates for rapporteurs and to make more frequent recourse to the circulation of rapporteurs' positions among the groups to alleviate some of the shortages of rapporteurs for vacant positions. At the same time, the Assembly invites the committee to reflect on a possible revision of the current single five-year-term limit for rapporteurs for a country under a full monitoring procedure or engaged in a post-monitoring dialogue to three three-year terms, which would allow for the possibility of recall and for the retention of available and competent rapporteurs for a given country.

11. The Assembly takes note that currently 13 out of 30 rapporteurs and only 28 out of 87 members of the committee are women. The Assembly underscores the need for a more balanced gender representation in the nominations by the groups both for committee membership and rapporteur positions.

12. The Assembly notes with satisfaction the continued excellent co-operation with the Venice Commission which provides the committee with legal expertise on the functioning of democratic institutions in specific countries.

13. The Assembly invites the committee to pursue its reflections on ways to increase the efficiency and impact of its work.



Resolution 2484 (2023)¹

Provisional version

The honouring of obligations and commitments by the Republic of Moldova

Parliamentary Assembly

1. The Republic of Moldova joined the Council of Europe in 1995. In 2019, the Parliamentary Assembly highlighted efforts to “de-oligarchise” the country and depoliticise its judicial institutions, in [Resolution 2308 \(2019\)](#) “The functioning of democratic institutions in the Republic of Moldova”. Since then, some major developments have altered the country’s political landscape: in November 2020, Maia Sandu became the first female President of the Republic, elected on the back of a clear pro-European agenda. In July 2021, in the wake of a political and constitutional crisis, the President’s Action and Solidarity Party won a majority in a snap parliamentary election. For the first time in its history, the Republic of Moldova is governed by a stable parliamentary majority held by a single party. The elections also confirmed the electoral support for eradicating corruption and building efficient and transparent State institutions able to work in the public interest. At the same time, this unprecedented political situation places a responsibility on the ruling party to ensure that democratic principles, the rule of law and the protection of human rights are fully upheld.
2. Since the summer of 2021, the authorities have embarked on a far-reaching programme of reform, notably in the judiciary and the fight against corruption, to tackle the roots of “state capture” and thereby restore integrity and public trust in State institutions.
3. The authorities have made efforts to review the functioning of most State institutions and independent bodies and appoint new officials following parliamentary assessment procedures, triggering questions about the transparency and speed of the selection process. The Assembly understands that taking the necessary steps to quickly restore the proper and transparent functioning of democratic institutions is a huge challenge without any ready-made solution. However urgent and necessary the reforms may be, the Assembly urges the authorities to ensure that such changes are made in accordance with the rule of law and Council of Europe standards, and are drawn up with the involvement of the parliamentary opposition and civil society so as to facilitate sound law making and enable sustainable and strong institutions to be established. In this respect, it welcomes the Moldovan authorities’ close co-operation with the Council of Europe, in particular with the Secretary General’s High-Level Working Group on the reform of the judiciary and the European Commission for Democracy through Law (Venice Commission), as well as their constructive approach to ensuring that the restructuring of the State, and in particular the judicial overhaul, are in line with Council of Europe standards.
4. The outbreak of the war in Ukraine on 24 February 2022 had major repercussions on the Republic of Moldova. New logistical and national and external security challenges compounded difficulties in dealing with the Covid-19 pandemic, energy crisis and high inflation rates and exacerbated existing tensions in Moldovan society. The country has seen a huge wave of refugee arrivals from Ukraine: over 700 000 have entered the country since February 2022 and almost 100 000 have stayed there. This makes the Republic of Moldova the country that is hosting the largest number of refugees from Ukraine in relation to its population (2.6 million), presenting a major logistical challenge for the authorities and putting a considerable strain on their administrative bodies.

1. *Assembly debate* on 26 January 2023 (8th sitting) (see [Doc. 15680](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, co-rapporteurs: Mr Pierre-Alain Fridez and Ms Inese Lībiņa-Egnere). *Text adopted by the Assembly* on 26 January 2023 (8th sitting).



5. The Assembly commends the authorities' efforts to manage these multiple crises, develop contingency plans for receiving refugees and address the humanitarian, socio-economic and educational challenges of welcoming refugee children. It applauds the solidarity and resilience shown by the Moldovan people. The Assembly calls on Council of Europe member States to support the country's efforts and to consolidate their assistance, building on the guidance provided by the Secretary General's Special Representative on Migration and Refugees [in her report of June 2022](#), in particular to develop long-term solutions for women, children, the elderly and persons with disabilities, including for preventing and detecting all forms of trafficking in human beings and violence against women and for protecting unaccompanied and separated children from Ukraine.
6. The on-going aggression of Ukraine by the Russian Federation has presented major public security challenges, prompting the authorities to take measures to protect State institutions and combat extremist activities, including the use of war symbols. In its [amicus curiae brief](#) of October 2022, the Venice Commission found that banning the use of such symbols was acceptable since "the display of the symbols used by the Russian armed forces in the current war produce[d] an actual and immediate danger of disorder and a threat to national security and the rights of others, including those of Ukrainian war refugees" and that there was a "pressing social need" to impose a ban on such use.
7. The energy crisis, compounded by the conflict in Ukraine, and high inflation are hitting the population hard, as are the energy cuts caused by the bombing of Ukraine's energy infrastructure. The Assembly strongly condemns the weaponisation of gas supplies and the hybrid war being waged by the Russian Federation which violate the country's sovereignty and the democratic functioning of its institutions.
8. In this context, the decision by the Council of the European Union to grant candidate country status to the Republic of Moldova on 23 June 2022 was a powerful response to the electorate's aspiration to join the European Union and to the country's efforts to shore up its democracy. The Assembly believes that this negotiation process is conducive to driving forward the legal and democratic reforms needed to honour Council of Europe membership obligations.
9. Despite its difficult circumstances, the country has continued to implement its ambitious programme of reform in co-operation with the Council of Europe, focusing on overhauling the judiciary and tackling corruption. The Assembly notes that the lack of financial and human resources clearly hinders the satisfactory implementation of such holistic reforms within a limited time frame.
10. Where democracy is concerned:
 - 10.1. the Assembly welcomes the efforts undertaken to consolidate democratic institutions and strengthen them against the risk of foreign interference. It welcomes the adoption of a new Electoral Code on 9 December 2022 however without a broad political consensus. It welcomes the progress noted by the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) in their [October 2022 joint opinion](#) and invites all stakeholders to implement the new Electoral Code in good faith and in line with the Venice Commission recommendations. It encourages moreover the authorities to implement the recommendations of the Group of States against Corruption (GRECO) on the transparency of political party funding;
 - 10.2. in this context, the Assembly urges the parliament to strengthen its rules on integrity and adopt a Code of Conduct for Members of Parliament and a Code of Parliamentary Rules and Procedures so as to help eradicate party switching, which has frequently been an underlying cause of political instability in the past;
 - 10.3. the Assembly notes that the country has been facing protests organised by the Shor Party since 18 October 2022. The Assembly calls on the political forces concerned to ensure the peaceful nature of these demonstrations and deplores the violence exerted against journalists on 23 October 2022. Moreover it supports the authorities' efforts to investigate the allegations of illegal financing of these demonstrations and possible destabilisation of the country. Following the government's referral to the Constitutional Court to verify the constitutionality of the Shor Party, the Assembly calls on the authorities to take full account of the Venice Commission's *amicus curiae* brief adopted in December 2022 on declaring a political party unconstitutional and the well-established case law of the European Court of Human Rights on the freedom of expression and association of political parties when ruling on this issue;
 - 10.4. the Assembly calls on the authorities of the Republic of Moldova and of the Autonomous Territorial Unit of Gagauzia (ATUG) to pursue their dialogue and welcomes the efforts made to enhance Romanian language learning. It also calls on both parties to support the activities of the working group

tasked with ensuring Moldovan legislation is in line with the ATUG's special status and urges the ATUG People's Assembly to refrain from adopting legislation that contradicts national legislation, particularly in the area of LGBTI rights.

11. Where the rule of law is concerned:

11.1. the Republic of Moldova has embarked on a programme of major judicial reform, including of the Superior Council of Magistracy, Superior Council of Prosecutors, Prosecutor's Office, Supreme Court of Justice and the Constitutional Court. The Assembly welcomes the country's extensive co-operation with the Venice Commission to ensure that the amendments comply with the Council of Europe standards, which has resulted in a number of opinions and *amicus curiae* briefs;

11.2. the Assembly also welcomes the adoption of constitutional amendments in September 2021, which commanded broad consensus and won the backing of the main political parties. The constitutional reform represented a major step forward in depoliticising the judiciary and improving its independence, accountability and efficiency. Some major changes were made, in particular with regard to the election and appointment of members of the Superior Council of Magistracy and the Superior Council of Prosecutors;

11.3. the Assembly applauds the reforms set in motion to enhance the integrity of the judiciary and restore trust in judicial institutions. To this end, the authorities have introduced an integrity evaluation procedure to vet judges and prosecutors with a view to "cleansing" the system of those involved in large-scale corruption and organised crime. The Assembly shares the Venice Commission's position in this respect and calls on the authorities to ensure that the vetting of sitting judges is implemented in accordance with constitutional safeguards and due respect for judicial independence; it can only be justified in exceptional circumstances when ordinary methods of judicial accountability are not available;

11.4. the Assembly supports the steps taken by the authorities to dismiss judges and prosecutors who have failed to meet integrity requirements. The Commission for the assessment of judges' and prosecutors' activities (hereinafter referred to as the "Pre-Vetting Commission") set up in March 2022 and composed of national and international members, is responsible for checking that integrity requirements are met by candidates for key positions at the Superior Council of the Magistracy, the Superior Council of Prosecutors and their specialised bodies. The Assembly encourages the authorities to ensure that the Pre-Vetting Commission has the necessary financial and human resources to discharge its duties, while noting that this will be a lengthy process that could affect the functioning of judicial institutions;

11.5. the reform of the Public Prosecution Service threw up some difficulties. The Law on the Public Prosecution Service has been amended several times since 2019 to: (i) introduce a new procedure for appointing an interim Prosecutor General pending the selection of a permanent Prosecutor General; (ii) change the rules on the composition of the Superior Council of Prosecutors; (iii) lay down a new procedure for both appointing and dismissing the Prosecutor General (in July and September 2019); (iv) reorganise the Superior Council of Prosecutors; (v) set up new accountability mechanisms for the Prosecutor General; (vi) enable a specially created Evaluation Commission to carry out an *ad hoc* "performance evaluation" of the Prosecutor General once a year (in August 2021); and (vii) govern the procedure for selecting and appointing the Prosecutor General and the heads of the specialised prosecutors' offices (in January 2022);

11.6. in the opinion of June 2022, the Venice Commission found that the latest amendments to the Law on the Public Prosecution Service had addressed most of the key recommendations it had made in 2021 following the hastily passed raft of legislative amendments. The Assembly welcomes the 2022 amendments that improve the composition of the Superior Council of Prosecutors – notably re-establishing the Prosecutor General as *ex officio* member of the Superior Council of Prosecutors, stipulate that findings of the Evaluation Commission, which now includes Superior Council of Prosecutors members, are of an advisory nature and leave the decision to dismiss the Prosecutor General on the grounds of unsatisfactory performance with the Superior Council of Prosecutors;

11.7. the arrest in October 2021 of former Prosecutor General Mr Stoianoglo, who has been under judicial supervision since December 2021, and his suspension from his duties have raised questions about the observance of procedural safeguards. The Assembly calls on the authorities to ensure that the proceedings under way are completed in accordance with due process of law and that his performance is assessed according to the criteria of integrity and professionalism that derived uncontestedly from the pre-existing rules, as the Venice Commission once again stressed in June 2022;

11.8. corruption in the Republic of Moldova remains a pervasive phenomenon which the authorities are committed to addressing as a matter of priority. There has been a slight improvement since 2016 in the Corruption Perceptions Index published by Transparency International, with the country ranking 105th in 2021, compared to 123rd in 2016;

11.9. with regard to corruption prevention in respect of judges and prosecutors, GRECO welcomed, in its December 2021 (fourth round) [interim compliance report](#), the significant progress made in terms of the composition of the Superior Council of Magistracy resulting from the constitutional amendments adopted in September 2021. On another positive note, legislation aimed at strengthening the independence and effectiveness of the National Integrity Authority and tightening the rules governing the declaration of assets and personal interests was adopted on 7 October 2021;

11.10. in accordance with GRECO's findings, the Assembly notes with satisfaction the increase in the National Integrity Authority's budget and its closer scrutiny of the declarations of assets and personal interests of parliamentarians, judges and prosecutors, which have resulted in administrative penalties and, where appropriate, referrals to the criminal investigation bodies. However, it calls on the authorities to take the necessary steps to recruit and train the required number of staff and to adopt a comprehensive strategy for the National Integrity Authority;

11.11. there have been other major changes to Moldovan legislation since July 2021, including amendments to the Law on the declaration of assets and personal interests, the Law on the National Anti-Corruption Centre, the law on company ownership with a view to ending offshore secrecy, as well as the adoption of the Law establishing a mechanism of prosecution, trial and conviction in absentia;

11.12. the Assembly notes that steps have also been taken to tackle political corruption: parliament plans to amend the Constitution to stipulate that parliamentary consent will no longer be required for the detention, arrest, search and criminal prosecution of members of parliament for violations related to passive or active corruption, influence peddling, abuse of power, illicit enrichment and money laundering. The Assembly encourages the parliament to continue its efforts to tighten the rules on the integrity of members of parliament and the regulations governing the funding of political parties and election campaigns. It also encourages the authorities, in accordance with GRECO's recommendations, to continue to tackle corruption, which requires the involvement of all stakeholders.

12. Where the protection of human rights is concerned:

12.1. the Assembly welcomes the meaningful and substantial progress made in the area of gender equality, including women's accession to high political positions, which is a source of inspiration for all countries in the region;

12.2. the Assembly also commends the country for ratifying, on 31 January 2022, the Convention on preventing and combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention") and for adopting, on 17 November 2022, Law 316/2022 ensuring the rights of victims in the case of crimes related to sexual life and family violence. In this respect, it notes with satisfaction the [amicus curiae brief](#) adopted by the Venice Commission in December 2021 and the subsequent decision of the Moldovan Constitutional Court clearly reasserting that the Istanbul Convention does not seek to impose a certain lifestyle or interfere with the personal organisation of private life, but seeks only to prevent violence against women and domestic violence. The Assembly encourages the authorities to continue their efforts to implement the Convention, bring their legislation into line with it and adopt action plans on gender equality and on preventing and combating domestic violence and violence against women;

12.3. in the field of the media, the Assembly notes a positive trend – in 2022, the country ranked 40th (out of 180 countries) in the Reporters Without Borders' World Press Freedom Index, compared to 89th in 2021, despite a highly polarised environment. The Assembly welcomes the measures taken by the Audiovisual Council to promote media pluralism and high-quality information and invites the authorities to reinforce the fight against media concentration. It notes however that the amendment to the Code of Audiovisual Media Services adopted in November 2021 also restored parliamentary control over the Audiovisual Council and the public broadcaster, Teleradio-Moldova, which could raise questions about the independence of these institutions. The Assembly refers in this respect to the judgment of the European Court of Human Rights in the case of *Manole and Others v. Moldova* (2009) and calls on the authorities to ensure that the Audiovisual Council's independence and integrity are strengthened in order to prevent undue political interference;

12.4. the Republic of Moldova is a multi-ethnic State. The Assembly commends the Moldovan people for ensuring that national minorities continue to live together peacefully despite unrest in the region and encourages the authorities to continue implementing the Framework Convention for the Protection of National Minorities (ratified in 1996, ETS No. 157) and the Strategy on the Consolidation of Interethnic Relations (2017-2027) “with a view to further developing a civic identity that is inclusive and firmly based on respect for ethnic and linguistic diversity as an integral part of Moldovan society”, as recommended by the [Committee of Ministers](#) in July 2021;

12.5. the Assembly also welcomes the discussions that have been initiated on how to promote the use of minority languages in Moldovan public media and encourages the authorities to ratify the European Charter for Regional or Minority Languages (ETS No. 148), which the country signed in 2002.

13. Regarding the situation in the Transnistrian region of the Republic of Moldova, the Assembly welcomes the restrained attitude Chisinau and Tiraspol adopted at the beginning of the war in Ukraine by making an appeal for calm. It calls on both sides to keep the lines of communication open, despite a tense situation exacerbated by provocative statements by Russian officials and by the *de facto* authorities in Tiraspol.

14. The Assembly reiterates its readiness to support the efforts of the OSCE 5+2 (and 1+1) discussions and the steps taken by the Moldovan authorities to strive for the protection of human rights in the region, in particular through implementing the judgments of the European Court of Human Rights, taking confidence-building measures and introducing the Council of Europe’s human rights standards. In this respect the Assembly refers to the decision of the Committee of Ministers of 6-8 December 2022 concerning the violations of the rights of children, parents and staff members of Latin-script schools during the periods 2002-2004 and 2013-2014 in the Transnistrian region of the Republic of Moldova. Ten years after the European Court of Human Rights Catan judgment, the Assembly, joining the Committee of Ministers, regrets the lack of any form of redress for the applicants and the continued failure of the Russian authorities to execute this judgment – which remains its unconditional obligation under the Convention – and calls for its implementation. The Assembly also reiterates its call on the Russian Federation to withdraw its troops from the Transnistrian region of the Republic of Moldova, whose presence pose a threat to the security of the country.

15. In conclusion, the Assembly welcomes the reforms undertaken to consolidate the country’s democratic institutions and recognises the difficulty and challenges involved, taking into account both the regional context which threatens its external security and also the integrity and functioning of those democratic institutions. The Assembly therefore calls on Council of Europe member States to provide humanitarian and financial assistance and to support the efforts to bring about democratisation and promote the Organisation’s founding values. The Assembly also calls on the Moldovan authorities, which have a stable parliamentary majority, to ensure respect for the rule of law and inclusive democracy and to pursue reforms that are part of a clearly expressed desire for European integration. It asks the authorities to continue their co-operation with the Council of Europe, in particular to strengthen the independence of the judiciary and the public prosecution service and to consolidate anti-corruption laws. The Assembly moreover encourages the authorities to pursue and implement their reform agenda based on the Council of Europe standards so as to establish solid and sustainable State institutions, which are a prerequisite for the good functioning of democratic institutions. The successful continuation of this process would pave the way to a new phase of post-monitoring dialogue with the country. In the meantime, the Assembly resolves to observe how the situation develops through its monitoring procedure.



Resolution 2485 (2023)¹

Provisional version

Emergence of lethal autonomous weapons systems (LAWS) and their necessary apprehension through European human rights law

Parliamentary Assembly

1. The Parliamentary Assembly notes that rapid technological progress in the field of artificial intelligence is paving the way for the emergence, in the near future, of lethal autonomous weapons systems (LAWS).
2. According to the definition of the International Committee of the Red Cross (ICRC), the term LAWS encompasses “Any weapon system with autonomy in its critical functions. That is, a weapon system that can select (i.e. search for or detect, identify, track, select) and attack (i.e. use force against, neutralize, damage or destroy) targets without human intervention.” LAWS, therefore, are neither remote-controlled systems in which a human retains control throughout, nor automatic systems in which a particular process has been programmed in advance so that their action is totally predictable.
3. The emergence of LAWS has prompted concern on the part of numerous States as well as civil society. 54 non-governmental organisations have launched a campaign in favour of a preventive prohibition of research and development of these emerging technologies and, even more so, of the use of what they call “Killer Robots”. This position of principle was adopted by the European Parliament in a resolution dated 12 September 2018.
4. The “arms race” logic implied in this field prompts some to see LAWS as the third military revolution in the history of international relations, after the invention of gunpowder and that of nuclear weapons. Global military powers which fail to invest in this technology would therefore risk being left behind.
5. LAWS carry the risk of lowering the threshold for engaging in conflict, by lowering the risk of a country's own troop losses. LAWS also raise a fundamental issue of human dignity – allowing machines to “decide” to kill a human being.
6. The conformity of LAWS with international humanitarian law hinges above all on the possibility, or not, of complying with the principles of distinction, proportionality and precautions in attack.
 - 6.1. The principle of distinction between civilian and military targets could be complied with by LAWS that are well designed and programmed to execute surgical strikes aimed solely at military targets.
 - 6.2. Judgement calls as to whether an attack satisfies the principle of proportionality are made on the basis of values and interpretations of the particular situation rather than on numbers or technical indicators. Making such judgements, which reflect ethical considerations, requires human judgement which is unique. It is for this reason that at least a minimum degree of human control is indispensable.
 - 6.3. To comply with the principle of precaution, the course of action taken by LAWS must be predictable. Users must be capable of adjusting or nullifying the effects of the weapons systems if necessary, something that is possible only if they can reasonably foresee how a weapons system will react.

1. *Assembly debate* on 27 January 2023 (9th sitting) (see [Doc. 15683](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Damien Cottier). Text adopted by the Assembly on 27 January 2023 (9th sitting).



6.4. The conformity of LAWS with international human rights law, and notably with the European Convention on Human Rights (ETS No. 5), depends on clear regulation of their use. Article 2 of the Convention requires that the right to life be protected by law. This means that the State must introduce a legal framework defining the limited circumstances in which the use of these weapons is authorised. The case law of the European Court of Human Rights relates to other types of weapons. But the use of LAWS should not be subject to standards that are any less strict.

7. From the viewpoint of international humanitarian law and human rights, regulation of the development and above all of the use of LAWS is therefore indispensable. The crucial point is human control. Respect for the rules of international humanitarian and human rights law can only be guaranteed by maintaining human control, to degrees that vary according to the stances taken by States and other actors of the international community. Several levels of human control may be envisaged: significant control, effective control or appropriate levels of human judgement. Human control must be maintained over lethal weapons systems at all stages of their life cycle.

7.1. Human control can be exercised at the development stage, including through technical design and programming of the weapon system (*ethics by design*): decisions taken during the development stage must ensure that the weapon system can be used in the intended or expected circumstances of use, in accordance with international humanitarian law and other applicable international norms, in particular the European Convention on Human Rights.

7.2. Human control may also be exerted at the point of activation, which involves the decision of the commander or operator to use a particular weapon system for a particular purpose. This decision must be based on sufficient knowledge and understanding of the weapon's functioning in the given circumstances to ensure that it will operate as intended and in accordance with international humanitarian law and other applicable international norms. This knowledge must include adequate situational awareness of the operational environment, especially in relation to the potential risks to civilians and civilian property.

7.3. In order to ensure compliance with international humanitarian law and other applicable international norms, it may be thought necessary to exert additional human control during the operation stage, when the weapon autonomously selects and attacks targets. Human intervention may be necessary in order to comply with the law and remedy shortcomings at the development stage and at the point of activation.

8. Unlike humans, machines do not have feelings and are not moral agents. If a person commits a war crime with an autonomous weapon, it is the human who commits the crime, using the autonomous weapon as the tool. Humans must be not only legally accountable but also morally responsible for the actions of LAWS. Some decisions pertaining to the use of weapons require legal and moral judgments, such as weighing likely civilian casualties against military advantages from conducting attacks. These judgments must be endorsed by humans since they are also moral judgments and have legal scope.

9. The relevant provisions of international humanitarian law imply that such weapons systems must not be used if they are likely to cause superfluous injury or unnecessary suffering, or if they are inherently indiscriminate, or if they are incapable of being used in accordance with law.

10. On the assumption that future LAWS meet all the legal requirements of the laws of war when they operate normally, malfunctions of the system could cause an erroneous attack and thereby raise accountability issues. It must be possible to establish legal responsibility in the event of a malfunctioning lethal autonomous weapons system by analysing compliance with the requirement of adequate human control. It should be possible to link unlawful actions committed by a lethal autonomous weapons system resulting in violations of international humanitarian law and other international norms alternatively to the individual or groups of individuals at the origin of its design, manufacturing or programming or its deployment and ultimately to the user State. In this regard, the user State has a particular responsibility to test and verify in advance the weapons it intends to use to ensure that they are predictable and reliable and not likely to commit violations of international humanitarian law through error, malfunction or poor design, and to verify the contexts in which their use is possible in accordance with law.

11. The Assembly notes that the questions of the compatibility of LAWS with IHL and human rights are being discussed by States Parties to the Convention on Certain Conventional Weapons (CCW), which have set up a Group of Governmental Experts (GGE). Working on the basis of the "11 Guiding Principles on LAWS" adopted in 2019 and the Final Declaration of the 6th Review Conference of the States Parties to the CCW in December 2021, that Group continues to seek a consensus on the future regulation of this emerging technology.

12. At its July 2022 session, the GGE adopted a statement to the effect that it had reached agreement that the right of parties to an armed conflict to choose the methods and means of warfare was not unlimited and that international humanitarian law was also applicable to LAWS. Any violation of international law, including a violation involving a lethal autonomous weapons system, incurred the responsibility under international law of the State concerned. The Group further proposed extending its work into 2023.
13. The Assembly notes that a group of European States has proposed a two-tier approach to the GGE:
 - 13.1. Firstly, the States Parties to the CCW should recognise that LAWS which cannot be used in conformity with international law, including international humanitarian law, are *de facto* banned; and that, consequently, LAWS operating completely outside any human control and a responsible chain of command are unlawful.
 - 13.2. Secondly, agreement should be reached on the international regulation of other weapons systems presenting elements of autonomy in order to guarantee conformity with international humanitarian law by:
 - 13.2.1. ensuring appropriate human control throughout the life cycle of the system in question;
 - 13.2.2. maintaining human responsibility and the obligation of accountability at any time, in all circumstances and throughout the life cycle, as the basis of the responsibility of the State and that of the individual, which may never be transferred to machines;
 - 13.2.3. implementing suitable measures to mitigate the risks and appropriate guarantees regarding security and safety.
14. The Assembly supports this two-tier approach and considers that the emergence of LAWS requires clear regulation of this technology to ensure respect for international humanitarian law and human rights and that the appropriate forum to agree on the future regulation of LAWS is the Conference of States Parties to the CCW and its GGE.
15. As to the legal form of such regulation, the goal should be a binding text in the form of a protocol to the CCW or even a specific international convention.
16. Pending the emergence of the broad consensus needed to draw up such an instrument, a non-binding instrument should be prepared in the form of a code of conduct. This instrument, which might be updated on a regular basis, could codify the guiding principles that are already broadly recognised and highlight the good practices adopted by given States Parties to the CCW.
17. The Assembly therefore calls on Council of Europe member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly to take a constructive role in the discussions in progress within the CCW and its GGE with a view to regulating the emergence of LAWS and to support the two-tier approach mentioned above.
18. Should no consensus emerge within a reasonable period of time for the elaboration of a code of conduct and subsequently for the preparation and negotiation of an international agreement within the meaning of paragraphs 14 and 15, or should such steps appear to have no chance of success, the Assembly invites Council of Europe member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly to consider initiating such work at Council of Europe level.



Resolution 2486 (2023)¹

Provisional version

Building the Open Council of Europe Academic Networks (OCEAN)

Parliamentary Assembly

1. The globalisation of research and innovation has intensified over the last decade, particularly in terms of collaborative research, technology development and mobility of researchers.
2. The Parliamentary Assembly firmly believes that universities and research institutes have a key role to play in addressing Europe's challenges, such as upholding the primacy of the rule of law, the fight against corruption, the promotion of social rights, the end of gender-based violence, the need to address climate change, the challenges of biomedicine and the integration of migrants.
3. The full implementation of the values and standards enshrined in the Council of Europe convention system requires resources, strengths and talents of all sectors of civil society, including scholars, scientists, schools, students, regional and local authorities, social workers as well as non-governmental organisations.
4. Apathy and disenchantment with these values and the rise of populism, nationalism and new ideas of what constitutes "the people" and "the elites" create social conflicts and continue to challenge the realisation of human rights in all European societies.
5. The Assembly is convinced that the impact and visibility of the Council of Europe must first and foremost be measured on the ground. Only the wide sharing of common values by society can guarantee the effective implementation of Council of Europe standards. Researchers, students, social workers, and local authorities in various sectors can further embrace our shared values which in turn have an impact on their work and daily lives. Everyone contributes because everyone benefits from the standards developed by the Council of Europe.
6. The Assembly notes that European universities and research institutes are hitherto still a largely untapped resource for the promotion of the Council of Europe convention system. They remain the drivers of innovation and creative thinking and can be considered a universal heritage; they produce skilled human capital, including the next generation of European policy makers, facilitate policy discussions and drive change.
7. Universities have the potential of strengthening their role as human rights, democracy and rule of law incubators and of creating a fertile ground to support the implementation of the European Convention on Human Rights (ETS No. 5) and all other Council of Europe conventions. Their capacity of mobilising the collective intelligence of civil society at all levels should be reinforced.
8. The Assembly therefore welcomes the Open Council of Europe Academic Networks (OCEAN) initiative which aims at strengthening co-operation between the Council of Europe and universities and research institutions in a mutually enriching interaction.

1. *Assembly debate* on 27 January 2023 (9th sitting) (see [Doc. 15675](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Marta Grande). *Text adopted by the Assembly* on 27 January 2023 (9th sitting).



9. It wishes to praise the work of two existing networks which are already working on key priorities, namely the Academic Network on the European Social Charter and Social Rights (ANESC), set up in 2006 at Council of Europe level, and the Italian “Universities in network against gender violence” (UN.I.RE) network, set up in 2019 and entirely funded by the Italian Government. These can serve as a model for future thematic networks working on other Council of Europe conventions, such as the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (ETS No. 164, Oviedo Convention) and the Conventions under the Enlarged Agreement on the Group of States against Corruption (GRECO).
10. In the light of the above, the Assembly calls on all Council of Europe member States to:
- 10.1. recognise the role universities and research institutes have, and should be able to play, in upholding Council of Europe values and entrenching them in the social fabric, and in facilitating the implementation of Council of Europe conventions and building greater unity between all member States;
 - 10.2. raise awareness among universities and research institutes about the OCEAN initiative, via Ministries of Universities and Research, with a view to setting up national thematic networks, supported by an appropriate legal structure, or joining existing ones;
 - 10.3. provide adequate financial support to such networks and encourage universities and research institutes to make available funds that are earmarked for the professional travel of academic staff and to the contribution of their expertise and work time;
 - 10.4. consider making voluntary contributions to support the OCEAN initiative at European level, following the example of the Italian Government, with a view to strengthening expertise and capacity building, and contributing to the exchange of information, data, researchers, curricula and experiences at European and international level, also through international conferences, joint degrees, PhDs. or other research programmes;
 - 10.5. in line with [Resolution 2352](#) and [Recommendation 2189 \(2020\)](#) “Threats to academic freedom and autonomy of higher education institutions in Europe”, pay special attention to integrate the assessment of academic freedom into the OCEAN initiative, providing a framework for regular evaluation and dialogue;
 - 10.6. closely co-ordinate with the European Higher Education Area (EHEA) members, also in the framework of its Task Force on Enhancing Knowledge Sharing in the EHEA community.
11. The Assembly also calls on the European Union to consider supporting financially the OCEAN initiative thereby sending a strong political signal, in particular with regard to the conventions which it has signed.
12. The Assembly stresses that parliamentarians may benefit from the expertise of the academia when it comes to scrutinise draft legislation against Council of Europe convention standards and oversee their governments’ action in the implementation of the judgements of the European Court of Human Rights. Therefore, the Assembly also encourages national parliaments of all Council of Europe member States to:
- 12.1. contribute to the efforts to recruit universities, research institutes and individual academics, who are already providing expertise to relevant parliamentary committees;
 - 12.2. organise parliamentary hearings with the participation of representatives of the academic world and relevant Council of Europe experts to encourage the creation of national thematic academic networks, under the OCEAN umbrella.