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TEXTS ADOPTED BY THE ASSEMBLY

Provisional versions

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Opinions
302 and 303



Opinion 302 (2024)¹

Provisional version

Application by Kosovo* for membership of the Council of Europe

Parliamentary Assembly

1. Kosovo applied for membership of the Council of Europe on 12 May 2022 with a letter signed by Ms Donika Gërvalla-Schwarz, Deputy Prime Minister and Minister of Foreign Affairs and Diaspora. On 24 April 2023, the Committee of Ministers transmitted the letter to the Parliamentary Assembly for consultation, in pursuance of Statutory Resolution (51) 30 A adopted on 3 May 1951. The decision on the transmission clarifies that it is “without prejudice to the Committee of Ministers’ future consideration of this application to accede to the Council of Europe”.
2. Having taken note of the eminent lawyers’ report, the Assembly acknowledges that Kosovo’s legal framework is broadly in line with Council of Europe standards and that its Constitution is a very progressive instrument, incorporating the key provisions of the Ahtisaari Plan and providing for the direct applicability of the European Convention on Human Rights (ETS No. 5) and its Protocols, the Framework Convention for the Protection of National Minorities (ETS No. 157), the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “Istanbul Convention”) as well as some United Nations human rights instruments.
3. The Assembly acknowledges the progress made by Kosovo in the areas of human rights, democracy and the rule of law and commends the advancements made by the current government, including as regards the fight against corruption and a civil partnership for same-sex couples (“Civil Code”).
4. The Council of Europe, in synergy with the international community, has supported the strengthening of standards in Kosovo through a wide range of activities including legal advice, co-operation and specific solutions which have enabled Council of Europe monitoring mechanisms to regularly assess the situation in specific areas of human rights law. Kosovo joined the Council of Europe Development Bank (CEB) in 2013 and the Venice Commission the following year. Since 2016, a delegation of the Assembly of Kosovo has participated in the work of the Parliamentary Assembly. The Association of Kosovo Municipalities participates in the work of the Congress of Local and Regional Authorities.
5. The Assembly believes that Kosovo’s aspirations to join the Council of Europe should be met with a positive response. Membership would lead to the strengthening of human rights standards by ensuring access to the European Court of Human Rights to all those who are under Kosovo’s jurisdiction. It would also enable the Council of Europe to have greater oversight of domestic developments and to deploy all the instruments at its disposal to contribute to consolidating democracy and the rule of law. Furthermore, membership of the Council of Europe would represent a milestone in the process of Kosovo’s European integration.

1. *Assembly debate* on 16 April 2024 (10th sitting) (see [Doc. 15958](#), [Doc. 15957](#), report of the Committee on Political Affairs and Democracy, rapporteur: Ms Dora Bakoyannis; [Doc. 15964](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Azadeh Rojhan; and [Doc. 15965](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Béatrice Fresko-Rolfo). *Text adopted by the Assembly* on 16 April 2024 (10th sitting).

* 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.



6. Kosovo's membership of the Council of Europe would be the culmination of a dialogue which has developed over a span of two decades but should in no way be seen as the end of a process. On the contrary, membership should catalyse momentum for Kosovo to continue to make progress in strengthening human rights, democracy and the rule of law and address outstanding challenges and matters of concern.

7. Amongst such issues are a gap between the normative framework and its effective implementation; the need to improve the protection of the rights of non-majority communities and to foster a climate and public discourse which is conducive to trust, reconciliation and inclusion; focusing on language, education and youth policies to ensure that Kosovo's multi-ethnic society is cohesive rather than fragmented along ethnic or language cleavages; ensuring full compliance with the rule of law irrespective of political considerations; promoting interinstitutional respect; and strengthening the quality and efficiency of the judiciary.

8. Since Kosovo applied for membership of the Council of Europe, the security situation in Kosovo's northern municipalities has considerably deteriorated in parallel with a stall of the normalisation of relations with Serbia and in the dialogue between Pristina and Belgrade facilitated by the EU Special Representative Mr Miroslav Lajčák. Many events have contributed to a serious escalation of tensions, including: land expropriations; the decision to enforce the use of Kosovo car licence plates; violent demonstrations; the mass resignation of Kosovo Serbs from the police, the judiciary and public offices; local elections which gave results deprived of democratic legitimacy; the use by the Kosovo authorities of the special police for ordinary police tasks; and the enforcement of the decision to introduce the euro for financial transactions to the exclusion of other currencies, later postponed.

9. On 24 September 2023, a major security incident in Banjska resulted in the death of a Kosovo police officer and three Serb assailants. The gravity of this attack, its consequences and the attackers' connections with Belgrade abundantly showed that the risk of open violence in Kosovo is all too real and that security depends on the protection of the rights of the Serb community, the de-escalation of tensions and the normalisation of relations between Kosovo and Serbia.

10. Against this background, the Assembly welcomes as a major breakthrough the implementation, on 14 March 2024, of the judgment of the Constitutional Court in the case of the Visoki Dečani monastery, which had been awaiting execution since 2016. Its implementation is a tangible sign of the commitment of the government to act in full accordance with the rule of law, irrespective of political considerations. The Assembly and the Committee of Ministers should continue to follow this matter with a view to ensuring that the judgment is fully implemented.

11. The Assembly considers the establishment of the Association of Serb majority municipalities an important step and a way to enhance the democratic participation and empowerment of Kosovo Serbs and ensure the protection of their rights. The Assembly considers that the establishment of the Association should feature in the Committee of Ministers' future consideration of Kosovo's application to accede to the Council of Europe, as a post-accession commitment for Kosovo.

12. Furthermore, the Assembly expects that expropriations are conducted in the strictest respect of the law and that any future legislation in this area is fully in compliance with the Ahtisaari Plan, including with regard to the protection of the properties of the Serbian Orthodox Church. In this context, the Assembly recommends that the draft Law on Expropriation of Immovable Property which has been submitted to the Assembly of Kosovo be amended accordingly, at the earliest possible date.

13. Against this background, the Assembly welcomes the commitment made in a letter dated 3 March 2024 by Mr Albin Kurti, Prime Minister of Kosovo, to sign and ratify an extensive list of Council of Europe conventions, including:

13.1. at the time of accession: the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5);

13.2. within one year of accession:

- the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 2) and its Protocols Nos. 1 and 6 (ETS Nos. 10 and 162)
- the Framework Convention for the Protection of National Minorities (ETS No. 157)
- the European Charter for Regional and Minority Languages (ETS No. 148)
- the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210)
- the Council of Europe Convention on Action against Trafficking in Human Being (CETS No. 197)

- the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126)
- the European Convention on the Suppression of Terrorism (ETS No. 90)
- the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)
- the Protocol amending the European Convention on the Suppression of Terrorism (ETS No. 190)
- the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)
- the European Charter of Local Self-Government (ETS No. 122);

13.3. within two years of accession:

- the European Convention on the Exercise of Children’s Rights (ETS No. 160)
- the European Convention on Nationality (ETS No. 166)
- the European Social Charter (revised) (ETS No. 163)
- the Civil Law Convention on Corruption (ETS No. 174)
- the Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191)
- the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106) and its protocols
- the European Convention on the International Validity of Criminal Judgments (ETS No. 70)
- the European Convention on the Compensation of Victims of Violent Crimes (ETS No. 116)
- the European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes (ETS No. 82)
- the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 182);

13.4. as well as:

- the Council of Europe Convention on the Avoidance of Statelessness in related to State Succession (CETS No. 200)
- the Convention on Cybercrime (ETS No. 185) and its Additional Protocol (ETS No. 189)
- the European Convention on the Legal Status of Migrant Workers (ETS No. 93)
- the European Cultural Convention (ETS No. 18)
- the European Convention on the Recognition of University Qualifications (ETS No. 32)
- the Convention on the Academic Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165)
- the European Convention on the Equivalence of Diplomas leading to Admission to Universities (ETS No. 15)
- the Convention on the Elaboration of a European Pharmacopoeia (ETS No. 50).

14. Furthermore, the Assembly takes note of and welcomes the following commitments undertaken by the Kosovo authorities:

14.1. as regards the functioning of democratic institutions and the respect of the rule of law:

- 14.1.1. fully respect the independence of the judiciary including by refraining from undue criticism undermining trust in the judiciary;
- 14.1.2. continue to improve the quality and effectiveness of the judiciary;
- 14.1.3. continue to fight against corruption and organised crime;

14.1.4. ensure that expropriations are conducted in the strictest respect of the law and that any future legislation in this area is fully in compliance with the Ahtisaari Plan, including with regard to the protection of the properties of the Serbian Orthodox Church; amend accordingly the draft Law on Expropriation of Immovable Property, which has been submitted to the Assembly of Kosovo, at the earliest possible date;

14.1.5. take all measures to de-escalate tensions in the north of Kosovo and refrain from decisions which may affect the rights and living conditions of the Serb community and lead to a further deterioration of the security situation;

14.1.6. take urgent measures to promote the reintegration of Kosovo Serbs in the police force, the judiciary and the prosecution in the north of Kosovo;

14.1.7. refrain from using special police in the north of Kosovo for ordinary police tasks, ensure that they are deployed only in case of necessity, and step up co-operation with KFOR (Kosovo Force) and EULEX (European Union Rule of Law Mission in Kosovo);

14.2. as regards human rights and protection of non-majority communities:

14.2.1. ensure the effective implementation of the legal framework for the protection of national minorities;

14.2.2. take substantial and tangible steps with a view to implementing all articles of the Brussels and of the Ohrid Agreements which includes establishing the Association of Serb majority municipalities as soon as possible;

14.2.3. address urgently the absence of a comprehensive and co-ordinated approach on minority matters and rights; such an approach needs to be developed and implemented in co-operation with those concerned and in ways which reflect the specific needs of different communities;

14.2.4. allocate sufficient resources to effectively implement the legislation on the use of languages and ensure the legal entrenchment, independence and provision of adequate resources for the Office of the Language Commissioner;

14.2.5. step up measures to support the socio-economic integration and political participation of persons belonging to non-majority communities;

14.2.6. take visible and meaningful measures to promote reconciliation between Kosovo's communities, including in political discourse; adopt concrete strategies for inter-community dialogue and for reconciliation-oriented spaces and activities, in particular in education, in order to pave the way for inclusive societal development and trust;

14.2.7. promote teaching of non-majority languages in schools;

14.2.8. ensure the effective access to good quality primary and secondary education and textbooks for all children, including children with disabilities, children belonging to non-majority communities and children from disadvantaged groups;

14.3. as regards international relations:

14.3.1. continue to engage in the EU-facilitated dialogue and honour the commitments and obligations undertaken under its aegis;

14.3.2. put genuine efforts into the process of normalisation of relations with Serbia;

14.3.3. settle international disputes in a peaceful manner and promote good neighbourly relations in the region.

15. The Assembly also recommends that Kosovo signs and ratifies the following Council of Europe Conventions and Partial Agreements:

- Protocols 1, 4, 7, 12, 13 and 16 to the European Convention on Human Rights
- the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)
- the Criminal Law Convention on Corruption (ETS No. 173)
- The enlarged partial agreement setting up the Council of Europe international cooperation group on drugs and addictions (Pompidou Group)

- the enlarged partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine.
- 16. The Assembly invites Kosovo to:
 - 16.1. fully participate in the Council of Europe’s Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and to thereafter implement its recommendations without delay;
 - 16.2. amend the composition of the Kosovo Prosecutorial Council in line with the recommendations of the Venice Commission in its Opinion CDL-AD(2023)043 adopted on 15-16 December 2023;
 - 16.3. refer the new draft law on expropriations to the Venice Commission, for an opinion;
 - 16.4. ensure self-restraint of politicians, who should refrain from criticising decisions of the judiciary;
 - 16.5. improve respect for administrative procedures, in particular for expropriations and public appointments and consider introducing an administrative complaint procedure;
 - 16.6. launch procedural reforms to tackle the excessive length of judicial proceedings and consider creating a specific remedy for excessive length of proceedings;
 - 16.7. reduce excessive recourse to pre-charge and pre-trial detention for unduly lengthy periods of time and without proper reasons;
 - 16.8. promote the use of de-escalatory policing techniques, especially by police deployed in the north of Kosovo;
 - 16.9. improve language training and education to meet the constitutional requirements for bilingualism in actual practice, especially in the police force and the justice system;
 - 16.10. foster awareness among police officers, prosecutors and judges of hate crimes and strengthen their ability to treat victims of such crimes with sensitivity; improve the response of these actors in the judicial system to the issue of domestic violence.
- 17. The Assembly reasserts the importance of protecting the human rights of all, including the rights of persons from non-majority communities, women’s rights, the rights of LGBTI persons and the rights of persons with disabilities. It calls on the authorities of Kosovo to:
 - 17.1. ensure the legal recognition of civil partnerships for same-sex couples;
 - 17.2. step up efforts to combat discrimination on any grounds;
 - 17.3. promote gender equality;
 - 17.4. prevent and combat gender-based violence, and prosecute and punish perpetrators of this violence;
 - 17.5. prevent and combat hate speech.
- 18. In light of the above, the Assembly considers that Kosovo is able and willing to:
 - 18.1. fulfil the provisions of Article 3 of the Council of Europe Statute which stipulates that “[e]very member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms”;
 - 18.2. collaborate sincerely and effectively in the realisation of the aim of the Council of Europe as specified in Chapter I of the Statute, thereby fulfilling the conditions for accession to the Council of Europe as laid down in Article 4 of the Statute.
- 19. The Assembly, therefore, recommends that the Committee of Ministers:
 - 19.1. invite Kosovo to become a member of the Council of Europe with the name “Kosovo”;
 - 19.2. allocate 3 seats to Kosovo in the Parliamentary Assembly.
- 20. While supporting Kosovo’s membership of the Council of Europe, the Assembly is aware of the unprecedented circumstances of this application, as a number of Council of Europe member States do not recognise Kosovo as a State. Diplomacy, dialogue and compromise are necessary to ensure that the

prospective admission of Kosovo does not create a fracture in the unity of Council of Europe member States, thus undermining the spirit of the Reykjavik Summit. The Assembly, therefore, invites the Committee of Ministers to ensure that:

20.1. Kosovo's membership of the Council of Europe is without prejudice to individual member States' positions as regards the statehood of Kosovo;

20.2. member States, irrespective of the position they may express in relation to Kosovo's membership application, respect the decision made by the Committee of Ministers and collaborate sincerely and effectively in its implementation, ensuring the smooth functioning of Council of Europe's institutions, bodies and mechanisms;

20.3. once Kosovo is admitted as a member State for the purposes of the Council of Europe Statute, the Organisation discontinues its status-neutral policy.

21. Likewise, the Assembly calls on the Committee of Ministers to spare no diplomatic and political effort to ensure that Kosovo's membership is not only beneficial to Kosovo and all those who are under its jurisdiction but is also a factor of stability, democratic security and peace in the Western Balkans and Europe.

22. With a view to ensuring compliance with commitments and obligations and monitoring the implementation of its recommendations, the Assembly decides, pursuant to its [Resolution 1115 \(1997\)](#), to open the monitoring procedure for Kosovo as from its accession to the Council of Europe.



Opinion 303 (2024)¹

Provisional version

Draft Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law

Parliamentary Assembly

1. The Parliamentary Assembly considers that artificial intelligence (AI) brings both opportunities and challenges. The position of the Assembly in this field has always highlighted the importance of striking the right balance between mitigating the risks and making full use of the advantages that AI can offer in promoting a better life for all.

2. The Assembly recalls its previous work on AI. In 2020, it adopted a set of resolutions and recommendations examining the opportunities and risks of AI for democracy, human rights and the rule of law. These included Resolutions [2341 \(2020\)](#) “Need for democratic governance of artificial intelligence”, [2342 \(2020\)](#) “Justice by algorithm – The role of artificial intelligence in policing and criminal justice systems”, [2343 \(2020\)](#) “Preventing discrimination caused by the use of artificial intelligence”, [2344 \(2020\)](#) “The brain-computer interface: new rights or new threats to fundamental freedoms?”, [2345 \(2020\)](#) “Artificial intelligence and labour markets: friend or foe?”, [2346 \(2020\)](#) “Legal aspects of ‘autonomous’ vehicles”, its related recommendations as well as [Recommendation 2185 \(2020\)](#) “Artificial intelligence in health care: medical, legal and ethical challenges ahead”. The Assembly endorsed a set of key ethical principles that should be respected when developing and implementing AI applications. These principles, which were further elaborated in a common appendix to all these reports, are:

- 2.1. transparency, including accessibility and explicability;
- 2.2. justice and fairness, including non-discrimination;
- 2.3. human responsibility for decisions, including liability and availability of remedies;
- 2.4. safety and security;
- 2.5. privacy and data protection.

3. The Assembly strongly believes that legal regulation is necessary in order to avoid or mitigate the potential risks to democracy, human rights and the rule of law arising from the use of AI. In this context, the Council of Europe, as a leading international standard-setting organisation in the field of democracy, human rights and the rule of law, should play a pioneering role. While supporting the work of the Council of Europe *Ad hoc* Committee on Artificial Intelligence (CAHAI) at the time, Assembly called on the Committee of Ministers to decide upon the preparation of a legally binding instrument governing artificial intelligence, possibly in the form of a convention open also to non-member States that should be based on a comprehensive approach, deal with the whole life cycle of AI-based systems, be addressed to all stakeholders and include mechanisms to ensure its implementation. The Assembly therefore warmly welcomes the finalisation of the draft Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law by the Council of Europe Committee on Artificial Intelligence (CAI).

1. *Assembly debate* on 18 April 2024 (13th sitting) (see [Doc. 15971](#), report of Committee on Legal Affairs and Human Rights, rapporteur: Ms Þórhildur Sunna Ævarsdóttir). *Text adopted by the Assembly* on 18 April 2024 (13th sitting).



4. The Assembly has always considered that private actors should fall within the scope of such a legally binding instrument. In its [Resolution 2341 \(2020\)](#), it expressed the view that the instrument should contain provisions to limit the risks of the use of AI-based technologies by State and private actors to exercise control over people, and that the activity of private actors should be subject to democratic oversight.

5. The Framework Convention, once adopted, will become the first ever international treaty on AI. It is based on the Council of Europe's standards on human rights, democracy and the rule of law, which are also shared by the non-member States that participated in the negotiations. This is an example of the Council of Europe's leadership in developing standards in emerging areas, including the digital sphere, in line with the Reykjavik Declaration adopted by the Heads of State and Government in May 2023. Part of the Framework Convention's added value will be its global reach, since it will bring together States from all over the world wishing to address the global challenges posed by AI with a human rights-based approach. The Assembly therefore understands that the drafting process has had to accommodate diverse legal and political traditions and systems, with the result that the draft text often contains very general and abstract provisions, allowing for a certain level of flexibility in its implementation. Its "framework" nature also means that it will need to be supplemented by other binding or non-binding instruments concerning the use of AI in specific sectors or developing certain provisions of the convention further. The Assembly is ready to contribute to the preparation of such instruments.

6. The Assembly is satisfied that most of the key ethical principles endorsed in its 2020 reports are reflected in different provisions of the draft Framework Convention, although some of these principles could have been formulated as positive individual rights rather than general principles (for instance, privacy, equality and non-discrimination). Furthermore, it could have been made even clearer that each individual government should be obliged to inform its citizens of the use of AI systems in administrative processes leading to binding legal decisions. Another significant added value of this draft Framework Convention is that it is intended to protect not only human rights but also democratic processes and the rule of law in the context of AI. AI technologies have a potential to disrupt the functioning of democratic institutions and processes, for instance through interference in electoral processes, disinformation and manipulation of public opinion. They can also have an impact on the functioning of the rule of law, including the independence and impartiality of the judiciary and access to justice. In this regard, the Assembly considers that the interpretation of "democratic institutions and processes" and "the rule of law" within the meaning of the draft Framework Convention should be guided by the relevant standards developed over the years by Council of Europe bodies such as the European Court of Human Rights and the European Commission for Democracy through Law (Venice Commission), as well as by the Reykjavik Principles for Democracy. The drafters however missed the opportunity to cover more specifically the positive uses of AI for democratic processes, for instance improving government accountability and facilitating democratic action and participation.

7. The Assembly regrets that the draft Framework Convention does not cover to an equal extent public and private actors. Rather, it introduces a system where each Party will be able to determine in a declaration how it intends to address the risks and impacts arising from the use of AI by private actors. This is far from ideal for legal certainty and predictability of the obligations imposed by the Framework Convention and is not in line with the positions previously expressed by the Assembly, the Council of Europe Commissioner for Human Rights and the CAHA. It also goes against the principle that States have positive obligations to protect individuals against human rights abuses by private actors, in accordance with the case law of the European Court of Human Rights, the United Nations Guiding Principles on Business and Human Rights and relevant recommendations of the Committee of Ministers of the Council of Europe. Many AI systems are developed and deployed by private entities, and introducing a differentiated approach for the private sector creates a significant loophole.

8. The Assembly therefore strongly calls on all member States of the Council of Europe, when ratifying the Framework Convention and submitting their declarations under Article 3.1 (b), to recognise the full applicability of the principles and obligations set forth therein (Chapters II to VI) to activities of private actors, and to report accordingly to the future Conference of the Parties under Article 24. It further invites the Conference of the Parties to fully use its powers and conduct a proper review of how all Parties comply with Article 3.1 (b). The Assembly believes that a dynamic interpretation of this provision by the follow-up mechanism set up by the Framework Convention will foster advances over time, through reporting requirements and peer pressure, including with respect to non-member States that may choose not to apply the Framework Convention obligations to private actors.

9. Having considered some of the proposals by different stakeholders, and taking due account of the overall structure and the transversal character of the agreed text, the Assembly proposes the following amendments to the draft Framework Convention:

9.1. replace Article 3.2 with the following text: “Each Party may restrict the application of the provisions of this Convention if activities within the lifecycle of artificial intelligence systems are necessary to protect its national security or national defence interests and if such activities are conducted in a manner consistent with applicable international law, including international human rights law obligations, and with respect for its democratic institutions and processes.”;

9.2. delete Article 3.4;

9.3. in Article 5.1, after “effectiveness of democratic institutions and processes, including” add the following words: “free and fair elections,”;

9.4. in Chapter III, add the following article: “Every Party shall adopt or maintain measures to preserve health and the environment in the context of activities within the lifecycle of artificial intelligence systems, in line with applicable international and domestic law.”;

9.5. in Article 14.2 (c) or in the explanatory report, add a reference to “judicial authorities” or “judicial review”;

9.6. in Article 15.1, add a reference to “human review”;

9.7. in Articles 16.1, 16.2 (a), (e) and 16.3, after the words “the rule of law” add the following words: “and the preservation of the environment”;

9.8. replace Article 16.4 with the following text: “Each Party shall take such legislative or other measures as may be required to put in place mechanisms for a moratorium or ban or limitations in respect of certain uses of artificial intelligence systems where such uses are considered incompatible with the respect of human rights, the functioning of democracy or the rule of law.”;

9.9. in Chapter VI, add the following article: “Each Party shall take appropriate measures to ensure protection of whistleblowers in relation to the activities within the lifecycle of artificial intelligence systems which could adversely impact human rights, democracy and the rule of law.”;

9.10. at the end of Article 26.2, add the following sentence: “The functions and powers of such mechanisms shall include investigative powers, the power to act upon complaints, periodic reporting, promotion, public awareness and consultation on the effective implementation of this Convention.”;

9.11. in Chapter VII, after Article 26, add the following article: “Parliamentary involvement”: “1. National parliaments shall be invited to participate in the follow-up and review of the measures taken for the implementation of this Convention. 2. The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.”

10. The Assembly wishes to participate in the future Conference of the Parties set up by the Framework Convention and engage in the co-operation and exchange of information envisaged under Article 25.

11. The Assembly invites its Sub-Committee on Artificial Intelligence and Human Rights to raise awareness of the Framework Convention once adopted, including by promoting its ratification or accession by member States, observer States, and States whose parliaments enjoy observer or partner for democracy status with the Assembly.

12. Finally, the Assembly will continue to work on AI-related issues, through new reports on emerging topics and by following closely and contributing where necessary to the standard-setting activities of the CAI and other relevant Council of Europe inter-governmental bodies.

Recommendations
2271 to 2274



Recommendation 2271 (2024)¹

Provisional version

Support for the reconstruction of Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly draws the Committee of Ministers' attention to its [Resolution 2539 \(2024\)](#) "Support for the reconstruction of Ukraine" which makes a resolute call for using confiscated Russian State assets to compensate damages, injury and losses caused by the aggression of the Russian Federation and for supporting the reconstruction of Ukraine.

2. The Assembly refers to its [Resolution 2516 \(2023\)](#) "Ensuring a just peace in Ukraine and lasting security in Europe", which called for establishing "a comprehensive compensation mechanism, including an international commission for the examination of claims for damages recorded in the Register of Damage, and a compensation fund to pay out on decisions on compensation for damage awarded by the commission, in particular by confiscating and otherwise using the Russian Federation's assets to pay for damage caused by the war in Ukraine". It also refers to its [Resolution 2482 \(2023\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", which called on Council of Europe member States to set up an international compensation mechanism; highlighted the reasons why the Council of Europe should have a leading role in setting up and managing it; and detailed some of its key prospective features.

3. The Assembly recalls the decisions of the Committee of Ministers of 15 September 2022 and 24 February 2023 to welcome all efforts to secure full reparations for the damages caused by violations by the Russian Federation of international law in Ukraine. It also underscores that, in its Resolution CM/Res(2023)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, adopted on 12 May 2023, the Committee of Ministers agreed "to continue working, in co-operation with Ukraine and relevant international organisations and bodies, towards the establishment by a separate international instrument of a future international compensation mechanism, which may include a claims commission and a compensation fund, of which the work of the Register, including its digital platform with all data about claims and evidence recorded therein is intended to constitute an integral part".

4. In light of the above, the Assembly calls on the Committee of Ministers to:

4.1. proceed towards the establishment of an international compensation mechanism, under the auspices of the Council of Europe, to comprehensively address the damages incurred by natural and legal persons concerned, as well as the State of Ukraine due to the unlawful actions of the Russian Federation in its invasion of Ukraine;

4.2. establish an international trust fund, where all seized Russian State assets will be deposited, ensuring transparency, accountability, and equity in the disbursement of funds that should be used for compensation to Ukraine and natural or legal persons affected by the Russian aggression in Ukraine as well as to aid Ukraine's recovery and reconstruction efforts;

4.3. endorse the establishment of an international commission of claims for the damages recorded in the Register, under the auspices of the Council of Europe;

1. *Assembly debate* on 16 April 2024 (10th sitting) (see [Doc. 15932](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Lulzim Basha; and [Doc. 15941](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Davor Ivo Stier). *Text adopted by the Assembly* on 16 April 2024 (10th sitting).



4.4. consider including, in the scope of the future international compensation mechanism, once established, the damage caused by the Russian Federation's internationally wrongful acts committed in the Autonomous Republic of Crimea, the city of Sevastopol and the temporarily occupied territories of the Donetsk and Luhansk oblasts before 24 February 2022, in so far as they were caused by the aggression against Ukraine started in 2014, in particular in relation to breaches of international law confirmed by international adjudicative bodies such as the European Court of Human Rights.



Recommendation 2272 (2024)¹

Provisional version

Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavik process

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2545 \(2024\)](#) “Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavik process”.
2. The Assembly maintains that the recognition of the right to a healthy environment must be based on a human rights approach. In this regard, it reaffirms its [Recommendation 2211 \(2021\)](#) “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”, in which it proposed complementary tools to achieve this.
3. The Assembly notes that the Council of Europe already offers a convention ecosystem covering many aspects of the right to a healthy environment. It sees this as an opportunity to capitalise on existing standards.
4. The Assembly therefore recommends that the Committee of Ministers:
 - 4.1. actively support the work of the Intersecretariat Task Force on the Environment established following the 4th Council of Europe Summit, and carefully consider its proposals when drawing up a strategy and an action plan;
 - 4.2. give utmost priority to implementing the encouragement made in Reykjavik to set up an *ad hoc* intergovernmental committee to organise, co-ordinate and run the implementation of the strategy and the action plan;
 - 4.3. devote the normative part of the strategy to the formal recognition of the right to a healthy environment at the level of the Council of Europe, by developing a binding legal instrument as soon as possible;
 - 4.4. in so doing, focus on the rapid implementation of [Recommendation 2211 \(2021\)](#), including devising a specific, autonomous instrument covering substantive rights and procedural matters relating to the environment that capitalises fully on the standards which have already been drawn up;
 - 4.5. ensure that the draft convention superseding and replacing the Convention on the Protection of the Environment through Criminal Law (ETS No. 172), currently being prepared within the Council of Europe, incorporates the notion of ecocide as a criminal offense and establishes an effective monitoring mechanism;
 - 4.6. give the *ad hoc* intergovernmental committee a multidisciplinary role, enabling it to act as an interface between the Council of Europe and civil society in its broadest sense and to carry out activities aimed at environmental monitoring and governance as soon as it has been set up;
 - 4.7. highlight the committee’s added value in dealings with the Organisation’s other bodies, with which effective and focused partnerships may be established to drive forward change in environmental monitoring and governance;

1. *Assembly debate* on 18 April 2024 (12th sitting) (see [Doc. 15955](#), report of Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Simon Moutquin). *Text adopted by the Assembly* on 18 April 2024 (12th sitting).



Recommendation 2272 (2024)

4.8. set up a rapporteur group on environmental affairs at Committee of Ministers level to ensure unity and co-ordination in decision making.



Recommendation 2273 (2024)¹

Provisional version

Towards Council of Europe strategies for healthy seas and oceans to counter the climate crisis

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2546 \(2024\)](#) “Towards Council of Europe strategies for healthy seas and oceans to counter the climate crisis” and underscores the strategic goal to make the link between human rights and the environment a visible priority of the Council of Europe through the Reykjavik process. The Council of Europe has undertaken to come up with its own response to the triple planetary crisis by initiating the Reykjavik process and recognising, at political level, the right to a healthy, clean and sustainable environment at the 4th Summit of Heads of State and Government. A healthy environment can never be possible without healthy seas and oceans. The Council of Europe must contribute to networking between like-minded partners and provide a forum for civil society and young people.
2. The Assembly welcomes the intention to strengthen the tools of the Council of Europe for environmental protection as part of the Reykjavik process, ensuring their sustainability through the provision of stable resources. The member States should consolidate the Council of Europe capacity in this field and underpin it with adequate long-term funding in follow-up to decisions of the Reykjavik Summit. The Council of Europe should join forces with other international organisations, notably the European Union, in the realisation of the United Nations Sustainable Development Goals (SDGs) and, in particular, SDG 14 which is aimed at conserving and sustainably using the oceans, seas and marine resources for responding in a holistic manner to a host of direct and indirect threats including plastic and other marine pollution, ocean warming, eutrophication, acidification and the collapse of fisheries and biodiversity.
3. The Assembly therefore recommends that the Committee of Ministers:
 - 3.1. take into account the need to ensure comprehensive, efficient and effective protection of oceans and seas when preparing strategic documents (such as the Strategy on the Environment and its related Action Plan) and in other relevant work such as co-operation and technical assistance activities, including with neighbouring countries;
 - 3.2. in the development of the Council of Europe’s work on the environment, keep to the forefront the human rights perspective, including the right to a healthy environment, taking into account the needs of all the different stakeholders in society including future generations;
 - 3.3. take advantage of the Council of Europe observer status to the International Maritime Organisation (IMO) to raise awareness on the human rights perspective;
 - 3.4. ensure close co-operation with civil society actors, NGOs working to protect the seas and save lives at sea, and relevant international organisations such as the IMO.

1. *Assembly debate* on 18 April 2024 (12th sitting) (see [Doc. 15956](#), report of Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Yuliia Ovchynnykova). *Text adopted by the Assembly* on 18 April 2024 (12th sitting).





Recommendation 2274 (2024)¹

Provisional version

The protection of children against online violence

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2547 \(2024\)](#) “The protection of children against online violence”. It invites the Committee of Ministers to take into due consideration, in its work, the dangers posed by the internet to children, who are more exposed to violence and new forms of violence in the online environment, in particular by:

- 1.1. considering and incorporating the best interests of the child in the Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, including the protection of children’s human rights from the dangers of artificial intelligence;
- 1.2. taking online violence into account in its feasibility study on age-appropriate comprehensive sexuality education;
- 1.3. strengthening international co-operation with relevant organisations, including the European Commission and relevant European Union agencies such as Europol and the European Union Agency for Fundamental Rights, and Interpol, with a view to focusing attention on the protection of children’s human rights and the best interests of the child.

2. The Assembly calls on the Committee of Ministers to strengthen co-operation with digital industry stakeholders in order to find adaptable and sustainable solutions to protect children from online violence, including by:

- 2.1. as a first step, assessing the reliability of age verification tools, depending on the content and the age of child users;
- 2.2. providing children and parents with tools to raise awareness of the dangers of the internet;
- 2.3. making online tools available to enable easy reporting of incidents of online violence, and providing help and support, particularly psychological care, for child victims.

1. *Assembly debate* on 19 April 2024 (14th sitting) (see [Doc. 15954](#), report of Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Joseph O'Reilly). *Text adopted by the Assembly* on 19 April 2024 (14th sitting).



Resolutions
2537 to 2547



Resolution 2537 (2024)¹

Provisional version

Relationship between the parliamentary majority and the opposition in a democracy

Parliamentary Assembly

1. The promotion and consolidation of pluralist democracy are amongst the main objectives of the Council of Europe and its Parliamentary Assembly. The member States of the Council of Europe shall endeavour to develop common standards and practices aimed at promoting a free and pluralist parliamentary democracy and the means for their implementation in national parliaments.
2. In all national parliaments, there are provisions acknowledging the role of the opposition or the parliamentary minority in their dimension as political groups or individual parliamentarians not supporting the government.
3. The best way of ensuring that the opposition discharges its responsibilities is to extend and precisely define its rights. However, in only a few Council of Europe member States do the laws or constitution explicitly mention the role of the opposition. Some constitutions recognise the opposition only in outline, leaving much of the detail to be determined by ordinary legislation, statutory law or parliamentary rules of procedure, or by convention, custom and tradition.
4. While there are considerable differences in the political and institutional cultures and components of European States, it is however possible to identify certain general principles which govern the relationship between the parliamentary majority and its opposition and reflect the common European constitutional heritage.
5. One major objective in parliamentary democracies is to create a situation where there is a shared commitment to the essentials of democracy by the majority and minority and a common desire to make “their” parliament work properly for the public good. There is still a long way to go before this objective is reached in the wider Europe. A strengthened position of opposition in parliaments would be beneficial for the system of checks and balances in democracies.
6. More than any other forum, parliament is the place where democracy manifests itself, and in our societies there is hardly any debate that radically challenges the actual principle of representative democracy. Parliament is the institution that embodies society in the diversity of its composition and opinions and which relays and channels this diversity in the political process. Its vocation is to regulate tensions and maintain equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity.
7. A democratic parliamentary system presumes an ethic of self-restraint on the part of the majority, with respect for the rights and interests of the minority. Not all possible advantages should be taken, nor are they taken in mature parliamentary systems. In parliaments where such a political culture exists, often with “unwritten” parliamentary conventions, the need for legal guarantees for the opposition and minority is less. In new democracies, without such democratic traditions, the need for formal rules protecting the opposition may often be stronger.

1. *Assembly debate* on 15 April 2024 (9th sitting) (see [Doc. 15946](#), report of Committee on Political Affairs and Democracy, rapporteur: Ms Elvira Kovács). *Text adopted by the Assembly* on 15 April 2024 (9th sitting).



8. Opposition rights are considered as an institutionalised power possessed by the opposition in parliament that encompasses and goes beyond rights of individual legislators to speak and vote against government bills. Enshrining and clearly defining rights and guarantees in law is an effective tool for the functioning of the parliamentary opposition. Institutional procedures, recognition, legitimisation and institutionalisation of the parliamentary opposition are integral to the idea of constitutional democracy itself and integral part of the political culture.

9. The legitimisation of the parliamentary opposition in the constitution, laws as well as rules of procedure, provides, on the one hand, legal guarantees within government-opposition relations to limit the political influence of the parliamentary majority on the minority. On the other hand, by placing the opposition on an equal footing with the majority, it requires them to be jointly legally responsible for the exercise of power.

10. Effective opposition can help the government to avoid mistakes – or swiftly correct them – thereby improving governance outcomes. So, the existence of an effective parliamentary opposition able to scrutinise the policy of a governing majority is a visible symbol of the salvation of State political order and parliament itself.

11. The [Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist](#) (“Checklist”) is the result of a long and careful work carried out by the European Commission for Democracy through Law (Venice Commission) which took its origin in [Resolution 1601 \(2008\)](#) “Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament” of the Assembly. The Venice Commission concluded that it is important to explore the ways and means by which the role of the parliamentary opposition can be formally better regulated and protected and that it is a worthy attempt to introduce soft regulations in an area which is essential for the proper functioning of parliamentary democracy. The use of the Checklist should be widely promoted amongst national parliaments, and the Assembly should contribute to this effort, directly and through its political groups.

12. In light of these considerations, the Assembly:

12.1. welcomes the elaboration of the Venice Commission Checklist on Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a Checklist, and endorses the Checklist as adopted;

12.2. disseminates and recommends the Checklist to the parliaments of the Council of Europe member and observer States, as well as to the parliaments enjoying observer or partner for democracy status with the Assembly;

12.3. encourages member States to ensure that their democratic mechanisms are given political legitimacy through integrity, as trust in parliaments shapes both the stability and quality of democracy; only together can parliamentary majority and opposition create inclusive, prosperous and sustainable societies;

12.4. invites the parliaments of the member States of the Council of Europe to promote the Checklist and to take it into account when revising the relevant national rules or developing best practices;

12.5. encourages the parliaments of the member States of the Council of Europe to enter into dialogue about how to improve the existing national rules on the relationship between the parliamentary majority and the opposition in a democracy;

13. As regards its own activities, the Assembly resolves to take into account the Checklist in its monitoring work. It also resolves to play a greater role in promoting the Checklist by:

13.1. inviting its political groups to revise their statutory rules and rules of procedure, including provisions specifying the procedure and requirements for, and consequences of, switches in political affiliation as well as the suspension, expulsion or resignation of members;

13.2. encouraging its political groups to enhance discussions on how to improve the relationship between the parliamentary majority and the opposition in a democracy;

13.3. holding debates on how to develop the legal, including the soft law, environment and the best practices determining the relationship between the parliamentary majority and the opposition in a democracy;

13.4. stepping up interparliamentary co-operation activities addressing the improvement of the relationship between the parliamentary majority and the opposition in a democracy;

13.5. continuing to review, in co-operation with the Venice Commission, the Checklist and the issues raised in it, with a view to developing it further if required.



Resolution 2538 (2024)¹

Provisional version

Promoting the revised Code of Good Practice on Referendums

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2251 \(2019\)](#) “Updating guidelines to ensure fair referendums in Council of Europe member States” in which, taking note that the process of revision of the guidelines had already started, it asked the European Commission for Democracy through Law (Venice Commission) to take into account the increasing use of referendums, the rise of digital media and the changed nature of political campaigning.
2. Through this text, the Assembly wished to provide an input to the work of the Venice Commission, having taken note that, in recent years, the process and/or the fairness of the outcome in a number of national referendums had been questioned and that, in other cases, important innovations had been introduced, the knowledge of which could benefit legislators in all member States.
3. The Venice Commission emphasised the need for referendums to respect the rule of law and, in particular, to comply with the legal system as a whole, especially with the procedural rules on constitutional revision. It also warned against the use of referendums to bypass important constitutional safeguards, such as the requirement for a qualified majority in parliament. As regards the substance of the proposed changes, the Venice Commission was concerned that most of these referendums were aimed at concentrating powers and reducing democratic control by parliament. On that basis, the Venice Commission initiated the process of revision of the Code of Good Practice on Referendums and in June 2022 it adopted the Revised Code of Good Practice on Referendums (“Revised Code”).
4. The Revised Code responds to the Assembly’s concerns and takes into account developments with respect to a number of referendums which have been held by Council of Europe member States in recent years.
5. The Revised Code declares that it “does not intend to determine whether and under which circumstances recourse to referendums is desirable as such. The answer to this question varies according to the nature of the constitutional system and tradition. It belongs to national constitutional law to establish whether referendums are at all foreseen, what their scope is, and what procedure must be followed to hold them. However, a number of guarantees are necessary to ensure that they genuinely express the wishes of the electorate and do not go against international standards in the field of human rights, democracy and the rule of law.”
6. The Revised Code includes the Guidelines on the Holding of Referendums as well as an Explanatory Memorandum, which refers, when necessary, to the various items of the Guidelines in order to elaborate on their content and background. The Guidelines contain the Principles of Europe’s electoral heritage, the conditions for implementing these principles, and specific rules.
7. The present resolution is intended to elaborate on those aspects of the guidelines that are specific to referendums. Accordingly, it does not comment on the principles and general rules applicable to both elections and referendums.

1. *Assembly debate* on 15 April 2024 (9th sitting) (see [Doc. 15940](#), report of Committee on Political Affairs and Democracy, rapporteur: Ms Isabel Meirelles). *Text adopted by the Assembly* on 15 April 2024 (9th sitting).



8. The Revised Code applies to referendums at the different levels of the State structure (national, regional, local). However, it is mainly focused on national referendums. Its general rules are to be adapted to the reality of local and regional referendums, in conformity with national constitutional traditions.
9. In light of these considerations, the Assembly:
 - 9.1. welcomes the elaboration of the [Revised Code of Good Practice on Referendums](#) and endorses it as adopted;
 - 9.2. decides to disseminate the Revised Code of Good Practice on Referendums and recommends it to the parliaments of the Council of Europe member and observer States, as well as to the parliaments enjoying observer or partner for democracy status with the Assembly;
 - 9.3. invites parliaments and other relevant bodies of Council of Europe member States to promote the Revised Code of Good Practice on Referendums and to take it into account when revising the relevant national rules or developing best practices;
 - 9.4. encourages parliaments and other relevant bodies of Council of Europe member States to enter into dialogue as to how to improve the existing national rules on referendums;
 - 9.5. invites parliaments of Council of Europe member States to update their rules on referendums on the basis of the Revised Code of Good Practice on Referendums;
 - 9.6. invites parliaments of the Council of Europe member States to develop best practices which would improve the legal and institutional environment for referendums;
 - 9.7. invites the political groups in the Assembly to promote the Revised Code of Good Practice on Referendums.
10. As regards its own activities, the Assembly resolves to play a greater role in promoting the Revised Code of Good Practice on Referendums by:
 - 10.1. encouraging its political groups to enhance discussions on how to improve the legal framework for referendums;
 - 10.2. holding debates on how to develop the legal, including the soft law, environment and best practices relating to referendums;
 - 10.3. stepping up interparliamentary co-operation activities addressing the improvement of the legal framework for referendums;
 - 10.4. creating a Parliamentary Assembly Network of Election Observers, notably to promote the Revised Code of Good Practice on Referendums and other Council of Europe standards in electoral matters, in line with the proposal to reinforce electoral activities endorsed by the Assembly in January 2024;
 - 10.5. continuing to review, in co-operation with the Venice Commission, the Revised Code of Good Practice on Referendums and the issues raised in it, with a view to developing it further if required.



Resolution 2539 (2024)¹

Provisional version

Support for the reconstruction of Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly reiterates its deep concern at the extensive devastation and acute suffering inflicted upon Ukraine and its people by the Russian Federation with its illegal war of aggression which started in 2014, and escalated into a large-scale invasion in February 2022, resulting in severe human and material losses, grave violations of human rights, and numerous war crimes.

2. The Council of Europe has led the way in expressing its solidarity with Ukraine and its people, condemning the Russian Federation's war of aggression against Ukraine, and excluding the Russian Federation from its membership because of its serious violation of international law and statutory obligations. The Council of Europe has also shown leadership in setting up the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, as a first step towards establishing a comprehensive system of accountability of the Russian Federation for its wrongful acts. Consistent with its steadfast resolve and its focus on democracy, human rights, and the rule of law, the Council of Europe should play a significant role in supporting the reconstruction efforts in Ukraine, by recommending the seizure of Russian State assets and their use in support of the reconstruction of Ukraine. This course of action would pursue a threefold objective: strengthening Ukraine; ensuring the accountability of the Russian Federation; and deterring against any other future aggression.

3. The Assembly believes that it is crucial for the international community, working in concert, to address this challenge and ensure that the victims of the aggression, Ukraine and its citizens, receive the reparations they are owed, and that there is a path towards justice. As already called for by the Assembly in its Resolution 2516 (2023) "Ensuring a just peace in Ukraine and lasting security in Europe", this shall involve establishing "a comprehensive compensation mechanism, including an international commission for the examination of claims for damages recorded in the Register of Damage, and a compensation fund to pay out on decisions on compensation for damage awarded by the commission, in particular by confiscating and otherwise using the Russian Federation's assets to pay for damage caused by the war in Ukraine".

4. The documented damages to Ukraine's infrastructure and economy caused by the Russian Federation's aggression had reached US\$416 billion in June 2023. The plight of those who have had to flee Ukraine because of the war – an estimated 6.2 million people – is particularly concerning, as a humanitarian emergency in itself and also because it creates a ripple effect across borders, impacting neighbouring countries and straining resources on a larger scale. In addition, it has been estimated that approximately 17.6 million individuals in Ukraine needed humanitarian assistance in 2023, with 5.1 million people being internally displaced.

5. The Assembly acknowledges that the non-participation by the Russian Federation in international dispute settlements hinders the traditional legal channels for securing reparations. It affirms, however, the obligation of the aggressor State, the Russian Federation, to provide full compensation for the damage, loss, and injury caused by its internationally wrongful acts, including the destruction of infrastructure, loss of life, economic hardships, and other adverse effects, in accordance with the principles of international law. In this

1. *Assembly debate* on 16 April 2024 (10th sitting) (see [Doc. 15932](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Lulzim Basha; and [Doc. 15941](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Davor Ivo Stier). *Text adopted by the Assembly* on 16 April 2024 (10th sitting).

See also [Recommendation 2271 \(2024\)](#).



respect, the Assembly recalls the 2001 Articles on Responsibility of States for Internationally Wrongful Acts, the 2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, and the United Nations General Assembly Resolution A/RES/ES-11/5 of 14 November 2022 “Furtherance of remedy and reparation for aggression against Ukraine”, which recognises the need for the establishment of an international mechanism for reparation.

6. The Assembly notes that several countries holding Russian sovereign assets have frozen approximately US\$300 billion in Russian State assets. The frozen Russian State financial assets must be made available for the reconstruction of Ukraine. States holding these assets should co-operate and transfer them to an international compensation mechanism. Under international law, States possess the authority to enact countermeasures against a State that has seriously breached international law. Now is the time for Council of Europe member States to move from sanctions to countermeasures. The Assembly further notes that countermeasures are intended to induce the offending State to cease its unlawful behaviour or to comply with its obligations arising from that conduct, such as paying compensation for damages caused. The Assembly emphasises that the legitimacy of the recommended countermeasures remains unassailable within the framework of sovereign immunity.

7. The Assembly acknowledges the long-standing influence of certain Russian individuals, also referred to as oligarchs, in both domestic and international politics, shaped by their control over key industries and substantial assets abroad. This enabled them to influence various stakeholders in the European countries. Since the beginning of the Russian Federation’s aggression against Ukraine in 2014, a number of enterprises owned by these individuals have been co-operating with the Russian military-industrial complex. Given this fact, the European Union, G7 countries and Australia introduced the “Russian Elites, Proxies & Oligarchs Task Force” (“REPO Task Force”) in March 2022. The Assembly believes that the member States have to work on a similar mechanism to be able to address this issue.

8. The Assembly recognises the endeavours of the member States in imposing sanctions on Russian individuals and enterprises who collaborate with the Russian military-industrial complex, particularly those in heavy industries that facilitate the production of various types of lethal weaponry. The Assembly believes that the member States should devise mechanisms for monitoring potential violations of the sanction regime, freezing such assets, and subsequently transferring them to the international fund for the reconstruction of Ukraine, all while upholding the principles of international law and respecting private property rights.

9. The Assembly believes that creating, under the auspices of the Council of Europe, an international compensation fund as well as a compensation mechanism, as a separate international instrument mandated to examine and adjudicate claims and/or pay compensation for damage, loss or injury caused by the Russian Federation’s internationally wrongful acts in or against Ukraine, would provide a structured way to assess and compensate for the damages suffered by various stakeholders because of Russian Federation’s illegal invasion of Ukraine. This compensation mechanism should cover a range of losses, including but not limited to infrastructure damage, environmental impacts, economic losses incurred by companies and investors, and the costs associated with hosting and supporting those who have been displaced by the aggression, in Ukraine and outside.

10. The Assembly acknowledges that Russian politicians, propagandists, oligarchs and other war collaborators have amassed significant wealth through their close ties to Vladimir Putin’s regime, and have been trying to influence the internal politics of the European countries, which makes them accomplices in the Russian Federation’s aggression against Ukraine. To ensure the personal liability of a particular individual, measures such as freezing and confiscating the assets and their allocation to the reconstruction of Ukraine should be applied. Bearing in mind that certain countries have already introduced new legislation or amended the existing one, and in adherence to principles of private property and international law, the member States are encouraged to develop legislation and legal mechanisms to confiscate these assets.

11. As the already established Register of Damage undertakes the laborious process of recording Ukrainian losses in preparation for an international claims process, countries that have frozen Russian assets should transfer those assets to an international compensation fund. An international commission for the examination of claims for the damages recorded in the register should be created to effectively address the claims process.

12. In light of these considerations, the Assembly:

12.1. calls on Council of Europe member States and eligible non-member States to join the Register of Damage if they have not yet done so;

12.2. calls for the establishment of an international compensation mechanism under the auspices of the Council of Europe to comprehensively address the damages incurred by natural and legal persons affected, including the State of Ukraine, due to the unlawful actions of the Russian Federation with its invasion of Ukraine;

12.3. urges Council of Europe member and non-member States holding Russian State assets to actively co-operate in the prompt transfer of these assets to the established international compensation mechanism, supports the efforts of the European Union and the United States and calls upon them and the G7 to act without delay in taking all necessary steps to ensure that all Russian Federation assets in their custody are made available for the recovery and reconstruction of Ukraine;

12.4. urges that the reconstruction of Ukraine is needed right away without waiting for the end of the aggression, therefore calling for the creation of an international trust fund with a clear deadline for the implementation of this mechanism, where all Russian State assets held by Council of Europe member and non-member States will be deposited, ensuring transparency, accountability, and equity in the disbursement of funds that should be used for compensation to Ukraine and natural and legal persons affected by the Russian aggression in Ukraine;

12.5. calls for the establishment of an impartial and effective international claims commission, operating under recognised judicial norms, to adjudicate claims presented by Ukraine, affected entities, as well as natural and legal persons seeking reparation for damages caused by the Russian Federation's aggression;

12.6. stresses the utmost importance of adhering to established international legal standards and principles in the transfer and management of frozen Russian assets, ensuring fairness and proportionality, and safeguarding the rights of all affected parties as guaranteed by the European Convention on Human Rights (ETS No. 5) and/or other international human rights law instruments;

12.7. supports the recourse to countermeasures, as outlined within the framework of international law, to induce compliance by the Russian Federation with its international legal obligations and responsibilities;

12.8. invites States concerned about breaches of *erga omnes* obligations to actively participate in the compensation mechanism, contributing to efforts aimed at halting breaches and ensuring just reparations for affected natural and legal persons, as well as the State of Ukraine;

12.9. encourages collaborative efforts among member States, international organisations, and all relevant stakeholders to expedite the process of reconstruction and to ensure comprehensive compensation for the multifaceted damages caused by the war of aggression of the Russian Federation, including by considering other complementary or alternative proposals such as the confiscation of private assets following a criminal conviction for sanctions violations, introducing windfall taxes on the interest or profits derived from frozen Russian State assets, or using these assets as collateral for loans to Ukraine;

12.10. calls on member States, international organisations and all relevant stakeholders to continue working on expanding the list of the sanctioned individuals and companies who are directly or indirectly affiliated with the Russian defence industry, particularly in metallurgical and other types of heavy industry, and those who are contributing to the development of Russian military-industrial complex;

12.11. calls for a unified and resolute front against aggression, emphasising the shared responsibility of the international community in upholding global norms, preventing violations of international law, and promoting lasting peace and stability.



Resolution 2540 (2024)¹

Provisional version

Alexei Navalny's death and the need to counter Vladimir Putin's totalitarian regime and its war on democracy

Parliamentary Assembly

1. The Parliamentary Assembly pays tribute to the courage and sacrifice of Alexei Navalny, a leading Russian opposition politician, civil society activist, anti-corruption campaigner and political prisoner persecuted, and ultimately killed, by the Russian State for his opposition to Vladimir Putin's regime. The Assembly expresses its heartfelt condolences to the family, associates and supporters of Mr Navalny.
2. Vladimir Putin has been in power in the Russian Federation as President or Prime Minister without interruption since 2000, and the amendments to the Russian Constitution adopted in July 2020 and recognised as illegitimate by the European Commission for Democracy through Law (Venice Commission) and the Assembly allow him to remain in office until 2036. Since coming to power, Vladimir Putin has been constructing a regime whose aim is to wage a war against democracy and redraw the European and global order established after the collapse of the former Soviet Union. Occupation of Transnistria, invasion of Georgia in 2008, the war in Ukraine since 2014, the illegal annexation and occupation of territories, the destruction of freedom of expression inside the Russian Federation, the disinformation war around the world, the persecution and assassination of its political opponents inside and outside the Russian Federation and the creation of a system of legislation that criminalises political views are just a few but not all of the features of Vladimir Putin's regime. The unlawful imprisonment and, as a result, the death of Alexei Navalny is a continuation of the policy of Vladimir Putin's regime and its war against democracy.
3. On 16 February 2024, Mr Navalny died in a remote Siberian maximum security prison camp, FKU IK-3, where he was serving a manifestly arbitrary prison sentence. The official cause of his death was "sudden death syndrome". Mr Navalny's family was prevented from gaining rapid and timely access to his body or having an independent autopsy carried out. Allegations emerged that Mr Navalny had been ill-treated by prison staff the day before his death. Three days after Mr Navalny's death, the deputy director of the Russian prison service, Valery Boyarinev, was promoted to the rank of colonel general. Several days later, Roman Vidyukov, the chief investigator in cases against Mr Navalny and his Anti-Corruption Foundation, was promoted to deputy head of the State Investigative Committee of the Russian Federation. On 18 March 2022, Vladimir Putin claimed that he had agreed to swap the opposition leader in a prisoner exchange days before he died – a claim that Mr Navalny's family strongly rejects.
4. During the three years of his unlawful imprisonment, imposed in blatant disregard of the Russian Federation's obligations under Articles 3, 5, 6, 7, 18, 34 and 46 of the European Convention on Human Rights (ETS No. 5), under the International Covenant on Civil and Political Rights and under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr Navalny was subjected to systemic torture and other forms of ill-treatment, such as the denial of sleep, repeated placement in isolation cell in inhuman and degrading conditions, and lack of access to proper medical care.

1. *Assembly debate* on 17 April 2024 (11th sitting) (see [Doc. 15966](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Emanuelis Zingeris). *Text adopted by the Assembly* on 17 April 2024 (11th sitting).



5. The Assembly considers that the Russian State bears full responsibility for the killing of Alexei Navalny, who was subjected to torture, inhuman and degrading treatment in violation of the judgments and interim measures of the European Court of Human Rights, and who had moreover survived an assassination attempt with a chemical weapon, perpetrated in 2020 by a squad of FSB (the Russian Federation's Federal Security Service) assassins.
6. Mr Navalny has become the latest critic of Vladimir Putin to die at the hands of, or with at the least the tacit approval of, the Russian apparatus of oppression. For the past two decades, individuals who have opposed Vladimir Putin's iron grip on the Russian Federation have been killed, usually with the involvement of the Russian secret services or persons acting at their behest. The list of the regime's victims includes, among others, journalists Anna Politkovskaya, Natalia Estemirova, Stanislav Markelov and Anastasia Baburova; Sergei Magnitsky – a lawyer murdered for exposing large scale corruption among the highest echelons of the Russian Government; Alexander Litvinenko – a former FSB officer who defected to the United Kingdom; and Boris Nemtsov – a deputy Prime Minister who challenged Vladimir Putin's rule and whose circumstances of death remain unclear, as noted by the Assembly in its [Resolution 2297 \(2019\)](#). Hundreds more innocent human rights defenders and opposition figures remain imprisoned on trumped-up charges and can be considered political prisoners as defined by [Resolution 1900 \(2012\)](#), including Vladimir Kara-Murza, Ilya Yashin and Oleg Orlov. An independent journalist who covered the trial of Mr Navalny and recorded his final court appearance on 15 February 2024, Antonina Favorskaya, was arbitrarily detained on charges of "extremism" and faces a lengthy prison sentence. The human rights organisation OVD-Info reports that there are now over 1 000 political prisoners in the Russian Federation.
7. The Assembly deplores that acts of torture such as those to which Mr Navalny was exposed are systemically applied against political prisoners in the Russian Federation, Ukrainian political prisoners illegally detained in Russian prisons since 2014 and Ukrainian prisoners of war, as stated in its [Resolution 2528 \(2024\)](#). According to the United Nations Human Rights Monitoring Mission in Ukraine, the majority of Ukrainians in Russian captivity have been subjected to torture, rape, threats of sexual violence, deprivation of food and sleep and other forms of ill-treatment.
8. The Assembly recalls that the obligation to take effective legislative, administrative, judicial or other measures to prevent acts of torture, as enshrined in Article 2(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is unconditional and that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
9. Some of the persons directly responsible for and participating in the persecution and torture of Alexei Navalny are well known. A detailed list can be found via this link: "[Navalny list](#)". It includes prison staff, police officers, prosecutors and judges involved in their respective roles in the gross abuse of the Russian justice system for the purpose of punishing Mr Navalny for his political activism and creating a chilling effect within Russian society.
10. On 13 October 2023 and in the following days, an open attack on Alexei Navalny's lawyers began: Alexei Lipster, Vadim Kobzev and Igor Sergunin were detained on remand in Moscow. Olga Mikhailova (senior lawyer of Alexei Navalny) and Alexander Fedulov, who were abroad at the time, were subject to an arrest warrant. Criminal cases on trumped-up charges have been initiated against them and some of their offices were searched, in manifest breach of legal professional privilege, establishing an even more hostile environment for providing an effective legal defence in the Russian Federation.
11. The persons on this list should be included in the sanctions lists naming individuals, which are or may be established under existing and future Magnitsky-type sanctions laws.
12. Under Vladimir Putin's rule, the Russian Federation has become a *de facto* dictatorship. Not only has it stifled democratic opposition inside the Russian Federation: it has also failed to respect the democratic choices of neighbouring States and their political independence. By invading Georgia in 2008, unlawfully annexing the Autonomous Republic of Crimea, the City of Sevastopol, and violently occupying parts of the Donetsk and Luhansk Oblasts in 2014, interfering in foreign electoral processes and, finally, by launching its full-scale war of aggression against Ukraine in February 2022 and threatening those assisting Ukraine's self-defence with nuclear war, the regime of Vladimir Putin has fully committed to war on democracy. By doing so, it seeks to re-establish the former Soviet sphere of influence and take revenge on States which rejected its totalitarianism in favour of democracy and human rights.
13. Vladimir Putin's regime has committed to the neo-imperialistic ideology of Russkiy Mir (the "Russian world"), which the Kremlin has turned into a tool for promoting war. This ideology is being used to destroy the remnants of democracy, to militarise Russian society and to justify external aggression to expand the Russian

Federation's borders to include all territories once under Russian domination, including Ukraine. The hierarchy of the Moscow Patriarchate of the Russian Orthodox Church, including Patriarch Kirill, has been championing the Russkiy Mir ideology, declaring the war against Ukraine and the "satanic" West as a "holy war of all Russians", urging Orthodox believers to sacrifice themselves for their country. The Assembly is appalled by such an abuse of religion and the distortion of the Christian Orthodox tradition by Vladimir Putin's regime and its proxies in the Moscow Patriarchate hierarchy. The Assembly condemns such rhetoric and emphasises that incitement to commit the crime of aggression, genocide and war crimes is a crime in itself. The Assembly calls on all States to treat Patriarch Kirill and the Russian Orthodox hierarchy as an ideological extension of Vladimir Putin's regime complicit in war crimes and crimes against humanity conducted in the name of the Russian Federation and the Russkiy Mir ideology.

14. On 17 March 2024, Vladimir Putin was declared the winner of the so-called presidential election, which from the outset was not free and fair, with no genuine opponent to Vladimir Putin even being permitted to run. Moreover, polling stations for this election were opened in sovereign Ukrainian territory temporarily occupied by the Russian Federation and in the Moldovan Administrative-Territorial Units of the Left Bank of the Dniester, in gross violation of the United Nations Charter and the principle of sovereignty, political independence and territorial integrity of all States.

15. In line with its Resolution 2519 (2023), the Assembly does not recognise the legitimacy of Vladimir Putin as the President of the Russian Federation and reiterates its call on Council of Europe member and observer States and the European Union to cease all contact with him, except for humanitarian purposes and in the pursuit of peace. The Assembly recalls that the abolition of presidential term limits for the benefit of Vladimir Putin violates not only the Russian Constitution but also well-established international legal principles.

16. The Assembly considers that the Russian Federation has gradually transformed into a State which today bars the existence of any political opposition. By means of fascist-style propaganda, it has introduced a cult of personality around the figure of Vladimir Putin. Through the abuse of the criminal justice system, the regime has suppressed any political and media pluralism; civil society can no longer exist except underground; and the regime is enforcing mass conformity, including through the indoctrination of children. It presents to its people a dangerous vision of a Russia which rallies around imperialistic conquest, going as far as to threaten its perceived enemies with nuclear annihilation. All these phenomena, combined with an omnipresent security apparatus, mass surveillance of society and brutal repression against peaceful protests, have turned the Russian Federation into what the Assembly considers a totalitarian State, whose *modus operandi* resembles that of a criminal organisation.

17. As the Russian Federation is a federation only formally, the regime of Vladimir Putin has also declared war on its own people. In particular, indigenous peoples, national and ethnic minorities in the Russian Federation are forcibly russified and subjected to repression and discrimination, in violation of the Russian Federation's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In particular, the Assembly notes the disproportionately high losses suffered by military units composed of soldiers conscripted from national, ethnic and indigenous populations. The Assembly considers this to be a deliberate campaign, aimed at eliminating national and ethnic diversity within the Russian Federation.

18. The Assembly strongly condemns the Russia Federation's practice of including political opponents of the regime on lists of terrorists and extremists: opposition politicians, cultural figures, journalists and civil activists, leading to further misuse of the Interpol system. Vladimir Putin's order to the Russian FSB to take decisive measures against the "enemies of the country" both inside and outside of it is also of great concern. In practice, this could lead to a wave of politically motivated assassinations and murders on the territory of Council of Europe member States.

19. Urgent and co-ordinated measures are the only means to counter Vladimir Putin's totalitarian regime and its war on democracy. Ukraine must immediately receive the weapons and ammunition that it needs to effectively defend itself and to succeed in repelling the Russian invaders.

20. The Assembly further considers that sanctions against the Russian Federation must be reinforced to hinder its economy from continuing to finance its illegal war of aggression. The Assembly welcomes the proposal by Ms Yuliya Navalnaya to apply the tools developed for fighting organised crime against the enablers of Vladimir Putin's criminal regime, namely to conduct investigations into their financial machinations, search for their associates, lawyers and financiers in Council of Europe member States and beyond, in order to prevent the regime from hiding behind corporate veils and a network of shell companies.

21. The Assembly deplores the fact that despite the imposition of an unprecedented sanctions regime, some of the Russian Federation's trading partners continue to enable it to gain access to western technologies and capital, allowing it to manufacture cruise missiles and drones that are used indiscriminately to attack Ukrainian cities, residential areas, hospitals and critical infrastructures. By way of example, the Assembly is concerned about the sharp increase in the import of microchips by Kazakhstan accompanied by a similar rise of exports of microchips from Kazakhstan to the Russian Federation. It is equally alarmed by the large quantities of crude oil being exported from the Russian Federation to India and then sold onwards to the West.

22. The Assembly further condemns States that continue to support the Russian disinformation campaign, in particular by justifying its manifestly unlawful war of aggression on Ukraine, spread at various international fora, including the United Nations General Assembly and Human Rights Council, in particular Belarus, Iran, Cuba, North Korea, Venezuela, as well as others, thus undermining democracy worldwide.

23. At the same time, the Assembly welcomes reports that banks in Armenia, Kazakhstan and Hong Kong have begun refusing payments from Russian companies for electronics delivered to the Russian Federation. It encourages all States and financial institutions to closely monitor all transactions with Russian entities to ensure the effectiveness of the sanctioning mechanism.

24. The Assembly welcomes the approval on 12 March 2024 of a new European Union Directive to strengthen the enforcement of European Union sanctions across member States by criminalising the violation and circumvention of sanctions. It also welcomes the recent inclusion of dozens of individuals involved in the persecution of Alexei Navalny in the list of human rights violators sanctioned under the European Union human rights sanctions regime, proposed now to be renamed after Alexei Navalny.

25. The Assembly considers that further restrictions are necessary to prevent the Russian economy from sustaining the war against Ukraine. In particular, the Assembly notes that the Russian crude oil price cap sanctions have had limited effect. Lack of sufficient control and deterrence mechanisms has permitted the Russian Federation to mitigate the effects of the sanctions, in particular by using a fleet of "shadow" tankers and because the price cap on Russian crude oil is still set at a too high a level.

26. The Assembly therefore:

26.1. urges the Russian Federation to:

26.1.1. allow an independent and transparent international investigation into Alexei Navalny's death, including through an international commission of inquiry, which could be established by United Nations bodies or other international organisations;

26.1.2. cease persecuting family members, associates and supporters of Alexei Navalny in the Russian Federation and abroad;

26.1.3. release all prisoners currently detained in the Russian Federation for the purpose of silencing them and deterring other critics of the regime from protesting or speaking out;

26.2. calls on the European Union and all States having Magnitsky-type targeted sanctions laws to include in their sanctions lists the persons directly responsible for, and participating in, the persecution, ill-treatment and death of Alexei Navalny and invites all States that have not yet adopted such laws to do so without further delay;

26.3. calls on all States to ensure that the Russian Federation is held accountable for its systemic use of torture and other forms of ill-treatment to which Mr Navalny and thousands of other prisoners in the Russian Federation, including Ukrainian prisoners of war, have been subjected, by having recourse to the dispute settlement mechanism stipulated in Article 30 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

26.4. calls on all States to put pressure on the Russian Federation to allow independent international bodies to monitor the reported political prisoners' state of health and conditions of detention, pending their release or re-examination of their cases;

26.5. encourages member and observer States of the Council of Europe to pursue prisoner exchanges in order to obtain the release of political prisoners in the Russian Federation and Belarus, prioritising Vladimir Kara-Murza and others who have serious health conditions (noting in particular the potential role of Germany, the United Kingdom, and the United States of America);

26.6. reiterates its call to set up an international mechanism to compensate the victims of the Russian aggression against Ukraine, to which frozen Russian assets should be promptly transferred, and to set up a special international tribunal to investigate and prosecute the political and military leadership of the Russian Federation for the crime of aggression against Ukraine.

26.7. calls on the European Union and the G7 group to further strengthen the sanctions regime against the Russian Federation, a State sponsor of terrorism, in particular by:

26.7.1. significantly strengthening the sanctions regime by lowering the oil and gas price cap, considering that the revenue from oil and gas exports is still a significant source of income for the Russian State budget;

26.7.2. imposing secondary sanctions on States, natural and legal persons that knowingly enable the Russian Federation to evade the full effects of sanctions imposed on its economy, including by exporting technology, munitions, dual-use goods for military use, and other resources used by the Russian Federation to sustain its illegal war of aggression against Ukraine;

26.7.3. setting up a Register of States, natural and legal persons aiding and abetting the Russian Federation in evading sanctions, including by enabling it to obtain dual-use goods for military use;

26.7.4. enforcing the existing mandatory “oil spill insurance” requirements for all tankers passing through their waters to promote compliance with the price cap sanctions and protect the environment from oil spills by ageing and insufficiently insured tankers;

26.7.5. cutting off any services provided to the Russian oil and gas industry in order to restrict its future liquefied natural gas production and increase the costs of oil extraction in the Russian Federation;

26.7.6. imposing sanctions on the Moscow Exchange as well as Rosatom – a State-owned nuclear energy monopoly that has taken control of Europe’s largest nuclear plant in Ukraine’s Zaporizhzhia region, using this as a tool of blackmail against Europe by raising the threat of nuclear disaster;

26.7.7. emphasising that under international humanitarian law, the Russian oil refineries could be considered legitimate targets of military attacks;

26.8. calls on the United States of America – a Council of Europe observer State – to ensure that the Senate’s foreign aid bill, which includes military aid for Ukraine, is put to a vote without further delay or otherwise to authorise the delivery of the necessary military and other aid for Ukraine as soon as possible;

26.9. encourages the Council of Europe member and observer States to share amongst themselves all intelligence pertaining to the Russian Federation’s interference in electoral processes, including its disinformation campaigns, in order to identify and prevent further such practices;

26.10. calls on the Council of Europe member and observer States and the European Union to strengthen the effects of [Resolution 2519 \(2023\)](#) by formally recognising Vladimir Putin’s illegitimacy as President of the Russian Federation;

26.11. calls on the Council of Europe member States who are not members of the European Union to align themselves with sanctions imposed on the Russian Federation and its allies under the European Union human rights sanctions regime;

26.12. calls on the Council of Europe member and observer States, the European Union and the United Nations to draw attention to the numerous violations of human rights and the rights of peoples to the detriment of the colonised indigenous peoples of the Russian Federation;

26.13. calls on all States to apply to Vladimir Putin’s regime the existing anti-money laundering legislation aimed at combating organised crime and the financing of terrorism, to identify any private or legal persons that can be classified as enablers and impose harsh penalties thereon, including the confiscation of assets; and in particular to adopt, where lacking, and apply legislation permitting non-conviction based confiscation of illegal assets, with a reversal of the burden of proof, as recommended by the Assembly in [Resolution 2218 \(2018\)](#);

26.14. encourages the Council of Europe member and observer States and the European Union to recognise that the Russian Orthodox Church is in fact being used as an instrument of Russian influence and propaganda by the Kremlin regime and has nothing to do with the freedom of religion and the freedom of expression guaranteed by Article 18 of the International Covenant on Civil and Political Rights;

26.15. calls on the Council of Europe member and observer States and the European Union to strengthen the sanctioning mechanism against Aleksandr Lukashenka's regime in Belarus, which has allowed the Russian Federation to use its territory for the offensive against Kyiv in 2022 and which continues to support the war of aggression against Ukraine.

27. The Assembly expresses its solidarity and commitment to pursue dialogue with Russian and Belarusian democratic forces which share the values of the Council of Europe and recognise the rules-based international order, including the respect for the sovereignty and territorial integrity of Ukraine. In this regard, the Assembly recalls its decision – set out in its [Resolution 2530 \(2023\)](#) "A democratic future for Belarus" – to set up a General Rapporteur for a Democratic Belarus and to allow a representative delegation of Belarusian democratic forces to take an active role in some of its work.

28. The Assembly states, to reinforce European Parliament Resolution of 29 February 2024 on the murder of Alexei Navalny and the need for EU action in support of political prisoners and oppressed civil society in Russia (2024/2579(RSP)), that decolonisation of the Russian Federation is a necessary condition for the establishment of democracy in the Russian Federation.

29. Likewise, the Assembly welcomes the initiative, taken by the President of the Assembly and endorsed by the Bureau of the Assembly in October 2023 to set up a Contact platform for dialogue with Russian democratic forces and calls for setting up a General Rapporteur on the Russian democratic forces.



Resolution 2541 (2024)¹

Provisional version

The arbitrary detention of Vladimir Kara-Murza and the systematic persecution of anti-war protesters in the Russian Federation and Belarus

Parliamentary Assembly

1. The Parliamentary Assembly is appalled by the arbitrary detention of Vladimir Kara-Murza and the systematic persecution of anti-war protesters in the Russian Federation and Belarus.
2. In regard to the Russian Federation, the Assembly recalls that judgments of the European Court of Human Rights concerning events prior to February 2022 already demonstrated a severe repression of the freedoms of speech, assembly, and association, and the right to liberty.
3. Beginning in March 2022, the Russian Federation rapidly adopted a series of draconian amendments to the Criminal Code and the Code of Administrative Offences, to silence criticism of its illegal, brutal, full-scale war of aggression against Ukraine. These legislative amendments are not consistent with international human rights standards and have effectively criminalised all forms of dissent against the war and against the actions of the Russian military. These actions form a part of Vladimir Putin's systemic war on democracy.
4. One of the first victims of this repression was historian, politician, and winner of the 2022 Václav Havel Human Rights Prize, Vladimir Kara-Murza. Mr Kara-Murza was arrested and detained on 12 April 2022. He was subsequently charged with spreading "deliberate false information" about the actions of the Russian military in Ukraine, "organising the activities of an undesirable organisation", and high treason. On 17 April 2023 Mr Kara-Murza was sentenced to 25 years in prison.
5. Mr Kara-Murza barely survived two previous poisoning attacks linked to the Russian authorities which have had lasting negative effects on his health. As a result of his pre-trial detention, Mr Kara-Murza's polyneuropathy, caused by these poisoning attacks, has deteriorated significantly. For the last six months, Mr Kara-Murza has been held in complete isolation of solitary confinement in a cell, first in a strict-regime prison colony and then in a Siberian "special-regime" prison colony, the harshest grade in the Russian Federation's penitentiary system. Since September 2023 he has not been receiving medical treatment and his polyneuropathy is slowly deteriorating.
6. There have been countless other examples of politically motivated prosecutions in the Russian Federation against individuals who speak out against the war. The most minor acts of peaceful speech or protest can now incur hefty fines, detention, and lengthy prison sentences. There has been a significant rise in the number of political prisoners, as defined by [Resolution 1900 \(2012\)](#). In [Resolution 2446 \(2022\)](#) the Assembly stated that there were 478 political prisoners in the Russian Federation. The human rights organisation OVD-Info reports that there are now over 1 000. The organisation reports that almost 20 000 people have been detained for their anti-war stance in the Russian Federation and the occupied territory of Crimea since February 2022.

1. *Assembly debate* on 17 April 2024 (11th sitting) (see [Doc. 15967](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Thórhildur Sunna Ævarsdóttir). *Text adopted by the Assembly* on 17 April 2024 (11th sitting).



7. Meanwhile, the Assembly notes that the anti-war movement in the Russian Federation has not been eradicated. Instead, it has gone underground. Russians who oppose the war have adapted their activities to the current situation, so that they can continue some forms of anti-war dissent, without exposing themselves to immediate arrest and indefinite imprisonment.
8. The Assembly reiterates that the persecution of individuals with an anti-war stance gives rise to multiple violations of the European Convention on Human Rights (ETS No. 5), to which the Russian Federation was still bound until 16 September 2022, and to breaches of other international human rights treaties to which the Russian Federation is party, such as the International Covenant on Civil and Political Rights.
9. There has similarly been a widespread repression of anti-war protesters in Belarus. Credible reports suggest that, against a backdrop of generalised political repression in the country, more than 1 600 people have been detained for their anti-war stance. Most of these detentions occurred in the immediate aftermath of the full-scale invasion, when anti-war protests were brutally dispersed. Subsequently, even the smallest expressions of sentiments against the war have been met with prosecution, often through the application of legislation on “extremism”, the terms of which violate international human rights standards.
10. Many Belarusians have taken a stand through actions such as disseminating information about military movements or infrastructure, damaging railway tracks to prevent movement of military equipment and personnel, or sabotaging military installations. These actions have been met with a manifestly disproportionate reaction, through prosecutions under terrorism charges.
11. The Assembly is shocked by the numerous credible reports of torture being inflicted upon individuals with an anti-war stance in Belarus, alongside other repressive measures such as months in punishment cells (without any blankets, clothes, books, or amenities), refusals of access to medicine, and other forms of ill-treatment. The use of incommunicado detention, whereby political prisoners are completely cut off from the outside world, has become particularly common. This is an incredibly cruel and inhumane practice, punishing not only the prisoner but their loved ones too.
12. The Assembly draws a distinction between on the one hand the Governments of the Russian Federation and Belarus and on the other, the people of these two countries. In this respect, it expresses its solidarity with the many Russians and Belarusians who speak out against the war of aggression, recognising that they do so in a context of severe repression and that they risk serious personal consequences.
13. The Assembly therefore calls on the Russian Federation and Belarus to:
 - 13.1. cease the threats, intimidation and prosecution of individuals who have been targeted due to their anti-war stance, and ensure the immediate release of those who are in detention;
 - 13.2. pending their release, ensure that the conditions of detention of all such prisoners are compliant with international human rights law (including access to adequate medical care, and contact with their lawyers, families and others);
 - 13.3. ensure that prisoners are not subjected to torture or ill-treatment, that any such allegations are investigated promptly and effectively and that perpetrators are prosecuted;
 - 13.4. reverse the measures taken against media and civil society organisations which have been subjected to closure, liquidation, website blocking, or registration as “foreign agents” or “undesirable organisations” as a result of perceived anti-war activities;
 - 13.5. repeal the laws enacted with the purpose of repressing anti-war sentiment;
 - 13.6. implement relevant recommendations and decisions issued by international organisations of which they are member States, such as the United Nations and the Organization for Security and Co-operation in Europe, and human rights treaty bodies which are competent to deal with individual communications against them.
14. Furthermore, the Assembly calls on the Russian Federation to:
 - 14.1. adopt without delay effective general measures to address the structural and systemic problems identified by the European Court of Human Rights and the Committee of Ministers of the Council of Europe with regard to freedom of assembly, freedom of expression, freedom of association, and the right to liberty in the Russian Federation, including by repealing or amending relevant legislation, such as the laws on “foreign agents”, “undesirable organisations” and those designed to censor discussion about the war in Ukraine;

14.2. in accordance with the decision of the Committee of Ministers in the Navalnyy and Ofitserov group at its 1492nd DH meeting held in March 2024, ensure the release of all prisoners currently detained in the Russian Federation in abuse of power and for the purpose of silencing them and deterring other critics of the regime from protesting or speaking out;

14.3. co-operate with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as long as the Russian Federation remains a Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), thereby allowing for the monitoring of the reported political prisoners' state of health, conditions of detention pending their release and allegations of torture and ill-treatment.

15. The Assembly further recalls that the Russian Federation refuses to pay just satisfaction awarded by the European Court of Human Rights for both individual and interstate cases. The Assembly resolves to explore other possible avenues to secure the payment of such awards, calling on member and observer States, as well as the European Union, to do the same.

16. Noting the need to provide the Russian and Belarusian anti-war movements with greater recognition and support, the Assembly calls on member and observer States of the Council of Europe to:

16.1. publicly highlight the continuation and ongoing work of the Russian and Belarusian anti-war movements;

16.2. implement programmes of international solidarity with the Russian and Belarusian anti-war movements, including by organising events, promoting media coverage, academic research, conferences and roundtables, and supporting artistic endeavours;

16.3. explore further steps to provide information to the Russian population by cutting through the Kremlin's information blockade, including by providing:

16.3.1. a welcoming environment for independent Russian news outlets, including their registration as legal entities and the facilitation of their ongoing work;

16.3.2. any necessary financial support to independent Russian news outlets;

16.3.3. facilitation of the entry and stay of independent Russian journalists and social media influencers;

16.3.4. financial and other support to Russian anti-war social media influencers;

16.3.5. free and stable VPNs (Virtual private networks) for the Russian population;

16.4. support Russian and Belarusian civil society organisations located abroad in their efforts to legally and financially support anti-war protesters within the Russian Federation and Belarus;

16.5. prevent businesses from refusing to supply goods and services to independent Russian and Belarusian civil society organisations supporting anti-war causes or the defence of human rights, by enforcing relevant national laws and regulations and/or strengthening them as necessary;

16.6. prevent the application of international sanctions to independent Russian and Belarusian civil society organisations supporting anti-war causes or the defence of human rights, including financial and banking sanctions.

17. Alarmed by the dire conditions of imprisonment of Vladimir Kara-Murza and other individuals detained for their anti-war stance, the Assembly calls on:

17.1. member and observer States of the Council of Europe to deploy diplomatic efforts to secure the release of political prisoners in the Russian Federation and Belarus who have opposed the war of aggression against Ukraine, prioritising Vladimir Kara-Murza and others who have serious health conditions;

17.2. member and observer States of the Council of Europe to pursue prisoner exchanges in order to obtain the release of political prisoners in the Russian Federation and Belarus who have opposed the war of aggression against Ukraine, prioritising Vladimir Kara-Murza and others who have serious health conditions (noting in particular the potential role of Germany, the United Kingdom, and the United States of America);

17.3. the United States of America to recognise Mr Kara-Murza as a "wrongfully detained person" under the Levinson Act, with a view to intensifying the activities of the Government of the United States to secure Mr Kara-Murza's release.

18. The Assembly calls on member and observer States of the Council of Europe to intensify their efforts to hold the Russian Federation and Belarus to account at the United Nations, including by:
- 18.1. promoting the adoption of a resolution of the Human Rights Council and releasing a joint statement, calling for the release of anti-war protesters in the Russian Federation and Belarus, an end to the political persecution of anti-war protesters in the Russian Federation and Belarus, and condemning the failure of the Russian Federation and Belarus to implement rulings of international bodies relating to the repression of anti-war protesters, including judgments and decisions of the European Court of Human Rights (in respect of the Russian Federation), the Working Group on Arbitrary Detention, and the United Nations treaty bodies;
 - 18.2. calling for a country visit to the Russian Federation and Belarus of the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross (ICRC), the Special Rapporteurs on human rights in the Russian Federation and Belarus, and other relevant bodies, to visit prisons and meet with anti-war protesters subject to political persecution, prioritising those with serious health conditions, including Vladimir Kara-Murza.
19. Noting the highly precarious situation of Russians and Belarusians with an anti-war stance who are trying to flee their oppressive regimes, and recalling [Resolution 2446 \(2022\)](#) and [Resolution 2499 \(2023\)](#), the Assembly calls on member and observer States of the Council of Europe to:
- 19.1. support persons fleeing the Russian Federation and Belarus by facilitating their legal entry and stay, freedom of movement, safety and security, access to education, culture, financial services and pursuit of economic activities. This should include appropriate measures relating to emergency entry, emergency passports, visas, temporary and long-term residence permits, socio-economic assistance, and (when appropriate) refugee status;
 - 19.2. examine the creation of separate international frameworks or networks for those fleeing the Russian Federation and Belarus, to deal with the issues of entry and stay of persons;
 - 19.3. refuse extradition requests for Belarusian and Russian nationals, which could be considered to be politically motivated;
 - 19.4. refrain from deporting back to their home countries Russian and Belarusian nationals who have demonstrated an anti-war stance concerning the aggression against Ukraine and who would thus be at genuine risk of political persecution or conscription to the Russian military;
 - 19.5. take measures to address the refusal of the Belarusian authorities to issue passports in their consulates abroad (as well as prepare for the possibility of the Russian Federation doing so), through the recognition of *de facto* statelessness, and the issuing of travel documents to allow Belarusian (and if necessary, Russian) individuals at risk of political persecution or conscription to remain in European States after the expiration of their passports;
 - 19.6. take measures to protect Russians and Belarusians who have fled their States from transnational repression carried out by their governments, as highlighted in [Resolution 2509 \(2023\)](#).
20. The Assembly further calls on member and observer States of the Council of Europe to introduce restrictive measures (in particular, sanctions under their “Magnitsky laws”) against individuals involved in the political persecution of Russians and Belarusians because of their anti-war stance.
21. Noting the harm caused to Russian and Belarusian independent civil society by the application of domestic and international sanctions, the Assembly calls on private businesses:
- 21.1. to continue to provide goods and services to independent Russian and Belarusian civil society organisations that support anti-war causes or the defence of human rights;
 - 21.2. to refuse to comply with the orders of the Russian and Belarusian Governments to block websites, social media accounts or other online resources of independent Russian and Belarusian civil society organisations that support anti-war causes or the defence of human rights.
22. The Assembly invites the European Court of Human Rights to continue examining pending and future cases against the Russian Federation in respect of alleged violations of the Convention committed until 16 September 2022, in particular and as a matter of priority those brought by applicants who have been persecuted for their anti-war stance.
23. The Assembly reiterates its call on Interpol to be particularly vigilant when dealing with requests for Red Notices from the Russian National Central Bureau that may be politically motivated, taking into account [Resolution 2315 \(2019\)](#) “Interpol reform and extradition proceedings: building trust by fighting abuse”.

24. The Assembly finally resolves to continue to exchange views with the Russian and Belarusian political anti-war movement and other opposition forces through its platforms for dialogue with the Russian and Belarusian democratic forces.



Resolution 2542 (2024)¹

Provisional version

Sanctions against persons on the "Kara-Murza list"

Parliamentary Assembly

1. The Parliamentary Assembly pays tribute to Russian political prisoner Vladimir Kara-Murza, an opposition politician, journalist, documentary filmmaker, historian and writer.
2. In April 2023, Mr Kara-Murza was sentenced to 25 years in prison for criticising the Russian war of aggression against Ukraine. He is subjected to particularly harsh prison conditions, which are putting his life and health at serious risk, particularly given the long-term effects of two earlier poisonings that came close to killing him.
3. Vladimir Kara-Murza was handed down a particularly long prison sentence, compared to those meted out to other critics of the Russian war of aggression, most of whom have been sentenced to 5 to 10 years in prison. Mr Kara-Murza's supporters consider the particularly harsh sentence as retaliation for his long-standing vocal support for "Magnitsky laws" on targeted sanctions against human rights violators.
4. "Magnitsky laws" such as those adopted by the United States, Canada, the United Kingdom, numerous central and eastern European countries and not least by the European Union allow for imposing targeted sanctions against perpetrators of serious human rights violations who enjoy impunity in their own country, including police and State security officials. Vladimir Putin has made the elimination of "Magnitsky sanctions" against his supporters one of his foreign policy priorities.
5. The persons directly responsible for and participating in the persecution and ill-treatment of Vladimir Kara-Murza are well known. A detailed list can be found via this link "[Kara-Murza list](#)". It includes prison staff, police officers, prosecutors and judges involved, in their respective roles, in the gross abuse of the Russian justice system for the purpose of silencing Mr Kara-Murza.
6. These persons should be included in sanctions lists naming individuals, established under the existing and future Magnitsky-type sanctions laws.
7. The life of Vladimir Kara-Murza is threatened by the solitary confinement to which he is arbitrarily subjected, despite his weakened state of health following two poisonings which he narrowly survived.
8. The tragic and sudden death in prison in February 2024 of Alexei Navalny, an outspoken Kremlin critic and anti-corruption activist, who had similarly been subject to and narrowly survived poisoning by a nerve agent, highlights the urgency of ensuring the release of Vladimir Kara-Murza from prison and of holding to account on a personal and individual basis all those involved in his persecution.
9. As a dual citizen of the Russian Federation and the United Kingdom, Mr Kara-Murza could be included in any exchange of Russian spies held by Western States against political prisoners and other persons, including citizens of foreign States that are being held hostage by the Russian Federation.
10. The Assembly, therefore:
 - 10.1. invites all States that have not yet adopted Magnitsky-type targeted sanctions laws to do so without further delay;

1. *Assembly debate* on 17 April 2024 (11th sitting) (see [Doc. 15939](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Eerik-Niiles Kross). *Text adopted by the Assembly* on 17 April 2024 (11th sitting).



10.2. calls on the European Union and all States having laws on targeted sanctions to include in their sanctions lists the persons directly responsible for the persecution and ill-treatment of Vladimir Kara-Murza and the persecution, ill-treatment and death of Alexei Navalny, and those participating in them;

10.3. urges all States negotiating exchanges of prisoners with the Russian Federation to include Vladimir Kara-Murza in any such exchange;

10.4. calls on the authorities of the Russian Federation to release Vladimir Kara-Murza without delay, while immediately rectifying his current conditions of detention until such release so as not to further jeopardise his health and his life



Resolution 2543 (2024)¹

Provisional version

Freedom of expression and assembly of LGBTI people in Europe

Parliamentary Assembly

1. The rights to freedom of expression and freedom of assembly are fundamental human rights for all. Everyone must be able to enjoy these human rights equally and in safety, and the European Convention on Human Rights (ETS No. 5) guarantees these rights. The Reykjavik Principles for Democracy, adopted in May 2023 by the Heads of State and Government of the Council of Europe at the 4th Summit, reaffirm the commitment of the member States to protecting freedom of expression and freedom of assembly.
2. Undeniable progress has been made in the advancement of rights and in preventing and tackling violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people over the past two decades. More and more European cities are holding Pride marches. However, there have also been attacks on the freedom of expression and freedom of assembly of LGBTI persons in many member States of the Council of Europe. LGBTI events have been cancelled, stopped from taking place or have not been authorised, contrary to the case law of the European Court of Human Rights, which provides that concerns as to the maintaining of public order cannot justify banning peaceful public LGBTI events or imposing disproportionate restrictions on them.
3. Bans on LGBTI events, crackdowns on events by law enforcement authorities, non-existent or inadequate protection against attacks on gatherings, harassment, intimidation, physical attacks, online attacks, threats, the adoption of “anti-LGBTI propaganda” laws and censorship are all attacks on the freedom of expression and freedom of assembly of LGBTI persons. Attacks or obstacles intended to deny LGBTI persons these rights contribute to their stigmatisation and invisibilisation and make them more vulnerable to human rights violations. The visibility of LGBTI persons and movements must be protected, as it is an affirmation of the identity and existence of LGBTI persons in the public space. The Parliamentary Assembly expresses its serious concern for LGBTI persons living in the Russian Federation where the so-called “LGBTI international movement” has been designated as extremist by the country's Supreme Court, resulting in the criminalisation of a wide range of activities related to the exercise of freedom of association, assembly, and expression. It is imperative to safeguard the rights of LGBTI persons amidst such oppressive measures.
4. Anti-LGBTI hate speech is often used for political ends, targeting not only part of the population, which is potentially endangered as a result, but also human rights defenders, politicians, and others who recognise and support the equal enjoyment of human rights by LGBTI persons. The Assembly asserts that there is no such thing as so-called “LGBTI ideology” and that the rights of LGBTI persons are the same as those of all other people. It roundly condemns all bias-motivated speech on grounds of sexual orientation, gender identity and sex characteristics. Such hate speech fuels other bias-motivated crimes against LGBTI persons. It points out that political leaders have a duty to prevent and combat hate speech, whatever the motivation behind it. The creation within the Assembly of the Parliamentary Platform for the rights of LGBTI persons in Europe in 2022 demonstrates this commitment.

1. *Assembly debate* on 17 April 2024 (11th sitting) (see [Doc. 15953](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Christophe Lacroix). *Text adopted by the Assembly* on 17 April 2024 (11th sitting).



5. Fully guaranteeing freedom of expression and freedom of assembly is not just vital in any democratic society, but also a human rights obligation. The Assembly regrets that equality before the law, particularly for LGBTI persons, has not yet been fully achieved throughout Europe. It is especially concerned at the rising number of attacks on transgender people. It calls for transgender people's rights to be respected and for their protection in all circumstances and strongly condemns hate speech and transphobic violence against them.

6. The Assembly reiterates its call to the member States in [Resolution 2417 \(2022\)](#) "Combating rising hate against LGBTI people in Europe" to tackle hatred and discrimination against LGBTI persons with renewed energy and urgency. It also emphasises the importance of implementing Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity.

7. In light of these considerations, the Assembly calls on the member and observer States of the Council of Europe, and States whose parliaments enjoy observer or partner for democracy status with the Assembly to:

7.1. ensure that judgments of the European Court of Human Rights relating to the rights of LGBTI persons are implemented;

7.2. refrain from adopting constitutional amendments contrary to the rights of LGBTI persons and to repeal any provision of this kind already in force;

7.3. ensure that laws against hate and discrimination are enforced, to amend them if they do not yet include provisions concerning discrimination on grounds of sexual orientation, gender identity, gender expression and sex characteristics, and to step up efforts to prevent and tackle intersectional discrimination;

7.4. repeal "anti-LGBTI propaganda" laws if they have been enacted and implemented, and to allow all persons to access information about different types of sexual orientation, gender identity, gender expression and sex characteristics;

7.5. work towards annulling all declarations and charters contrary to LGBTI rights adopted at local and regional levels, where applicable;

7.6. support the visibility of LGBTI persons in the public space;

7.7. support the holding of Pride marches and other demonstrations supporting LGBTI persons' effective enjoyment of human rights, to protect them if necessary, to take adequate measures to facilitate access to gatherings and contain counter-demonstrators, and publicly condemn all illegal interference with the exercise of freedom of expression and peaceful assembly by LGBTI persons or human rights organisations that support LGBTI rights;

7.8. investigate, prosecute and where appropriate punish perpetrators of bias-motivated violence against LGBTI persons;

7.9. effectively combat strategic lawsuits against public participation (SLAPPs);

7.10. implement Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech and General Policy Recommendation No. 17 of the European Commission against Racism and Intolerance (ECRI) on preventing and combating intolerance and discrimination against LGBTI persons;

7.11. establish the consultation of LGBTI organisations in legislative processes, especially in areas that may impact the human rights of LGBTI persons.

8. With regard to preventing violence, prejudice and discrimination against LGBTI persons, the Assembly calls on the member and observer States of the Council of Europe, and States whose parliaments enjoy observer or partner for democracy status with the Assembly to:

8.1. outlaw conversion practices, if they have not already done so, and to utilise existing domestic violence legislation to prosecute the perpetrators of conversion practices, where possible;

8.2. invest in gender equality education and to train teachers on these issues;

8.3. support programmes of sex and emotional education inclusive of LGBTI identities which are tailored to the ages of pupils in schools;

8.4. train law enforcement officers to protect specific groups, including LGBTI persons, during demonstrations and public events;

- 8.5. run awareness campaigns on LGBTI rights and diversity;
- 8.6. guarantee legal recognition of gender identity;
- 8.7. recognise, if this is not already the case, the right to marriage for same-sex couples.

9. The Assembly welcomes the creation of the Council of Europe's Committee of Experts on Sexual Orientation, Gender Identity and Expression and Sex Characteristics (ADI-SOGIESC) and calls on the member States to appoint a member to it and to support its work.

10. The Assembly urges member States to recognise fears of persecution on grounds of sexual orientation, gender identity, gender expression or sex characteristics as grounds for granting asylum, to be supportive of asylum applications made by LGBTI persons who have been forced to flee their country for these reasons and to ensure their access to humanitarian and entry visas to grant access to their territories.

11. The Assembly also asks political parties to commit to tackling hate, whatever the basis for it, to oppose anti-LGBTI hate speech and disinformation, and to adhere to the principles and rules of the Charter of European political parties for a non-racist and inclusive society. It expresses support for LGBTI rights defenders and civil society organisations working to protect the rights of LGBTI persons.

12. Lastly, the Assembly calls on the member States to give political and financial backing to the mandate of the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and to support the implementation of his recommendations.



Resolution 2544 (2024)¹

Provisional version

The honouring of obligations and commitments by Albania

Parliamentary Assembly

1. Albania joined the Council of Europe on 13 July 1995. Upon its accession, it undertook to honour the obligations incumbent on all member States under Article 3 of the Statute of the Council of Europe ([ETS No. 1](#)) with regard to pluralist democracy, the rule of law and human rights. In addition, it undertook to honour a number of specific commitments listed in [Opinion 189 \(1995\)](#) “Application by Albania for membership of the Council of Europe”, adopted by the Parliamentary Assembly on 29 June 1995. In conformity with the monitoring procedure, as established in [Resolution 1115 \(1997\)](#), the Assembly has regularly assessed Albania’s progress with regard to the honouring of its obligations and commitments.

2. The previous report on the honouring of obligations and commitments by Albania was debated by the Assembly on 2 October 2014 and led to the adoption of [Resolution 2019 \(2014\)](#). The Assembly welcomes that many of the recommendations and concerns outlined in [Resolution 2019 \(2014\)](#) were addressed, and that Albania has made considerable and tangible progress in honouring its membership obligations and accession commitments to the Council of Europe. At the same time, the Assembly is cognisant that a number of unresolved issues and concerns remain that the country should strive to address.

3. The Assembly welcomes that the protracted systemic political crisis that has plagued the country for years has recently started to subside, although its root causes have not yet been resolved. Nevertheless, the Assembly remains concerned about the polarised political environment which is the Achilles heel of the democratic consolidation of the country. Constant vigilance in this respect is necessary and all political forces should continue to work incessantly to create a political environment that is truly conducive to democratic interaction and governance.

4. The Assembly welcomes the adoption, in 2020, of a new legal framework for elections that was based on an inclusive process and broad consensus between the political stakeholders. However, it is concerned about the frequent changes to the electoral framework which reflect a tendency to play with the rules instead of by the rules. The Assembly reiterates that stability of electoral legislation is essential to ensure the trust of the stakeholders and wider public in the electoral process and the outcome of the elections. Therefore, while calling on all political stakeholders to address, well before next elections take place, the shortcomings and deficiencies identified during past elections, the Assembly urges them to move away from using constant changes to the Electoral Code as a mechanism to alter the balance of power or alternative to normal political interaction in the framework of the parliament. With regard to the electoral framework, the Assembly calls upon the Albanian authorities and Parliament, based on a broad consensus between all political forces, to:

- 4.1. adopt, and consistently implement, legislation to address the abuse of administrative resources and vote buying that have marred previous elections in the country;
- 4.2. adopt the necessary legislation to ensure that the legal framework for party and campaign financing is fully in line with international standards;
- 4.3. agree on the demarcation of the new electoral districts, as foreseen by the 2020 Electoral Code, based on an inclusive process that fully adheres to international standards;

1. *Assembly debate* on 17 April 2024 (11th sitting) (see [Doc. 15950](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteur: Mr Ionuț-Marian Stroe). *Text adopted by the Assembly* on 17 April 2024 (11th sitting).



4.4. adopt, as a matter of priority and well before new elections take place, the required legislation to allow out-of-country voting for the sizable Albanian diaspora, in line with the judgment of the Constitutional Court of Albania.

5. The Assembly is concerned that the political polarisation in the country, compounded by inter and intra party antics, is undermining the system of checks and balances and limiting parliamentary oversight. In this context, it regrets that the parliament has not been able to find the required two-third majority to appoint a new Ombudsperson and a new Commissioner for the Protection from Discrimination, whose terms of offices have ended, and has resorted to using anti-blocking mechanisms lowering the required majority for other appointments, including for the election of the President of the Republic. The Assembly calls upon the opposition and ruling majority to ensure the proper functioning of the system of checks and balances, including an efficient and effective parliamentary oversight over the executive, and to respect each other's rightful role and place in the governance of the country. In addition, the Assembly urges the ruling majority and opposition to appoint, on the basis of a broad consensus, a new Ombudsperson and Commissioner for the Protection from Discrimination, which is essential for the democratic legitimacy of these important institutions.

6. The Assembly welcomes the successful completion of the territorial and administrative reform which has considerably reduced the number of municipalities and has strengthened the efficacy of local self-government and the provision of services to their citizens. It notes that adjustments to the territorial administrative map, both to strengthen the efficiency of local self-government and to address some of undesired effects of the reform, are being considered by the different political forces in Albania. It is important that any changes to the number of municipalities or the municipal borderlines should be based on a broad consensus between the different stakeholders, while respecting the logic of the reform to create strong and effective local government providing services that are close to the citizens.

7. In this context, the Assembly is concerned that the territorial and administrative reform has had a direct impact on the enjoyment of minority rights in Albania. A number of municipalities where minorities formed the local majority have been merged into larger municipalities where these minorities no longer form a majority, or even a sizable segment, of the population. This is compounded by the fact that key minority rights, such as the right to education in minority languages and the right to use minority languages in local government affairs, are only granted at the local level when the minority population in question exceeds 20% of the population in the municipality. This threshold is excessive and is only met in a very limited number of municipalities with sizable minority populations. This should be remedied, in close consultation with the minorities concerned, including in the context of the consideration of possible adjustments to the administrative territorial map.

8. The Assembly takes note of the findings in the report on Albania of the Congress of Local and Regional Authorities of the Council of Europe, adopted on 22 September 2021, including with regard to the allocation of functions and responsibilities between central and local governments as well as the financial autonomy of municipalities. It calls upon the Albanian authorities to fully address the concerns and recommendations contained in this report.

9. The reform of the judiciary, with a view to assuring its genuine independence and the efficient administration of justice, has been a long-standing priority for the Assembly within the monitoring procedure for Albania. The Assembly therefore welcomes the considerable and tangible progress that has been made in this regard by the Albanian authorities. The Assembly in particular welcomes the constitutional amendments of 2016 that allowed, in line with recommendations of the European Commission for Democracy through Law (Venice Commission), for the complete reorganisation of the High and Constitutional Courts and the establishment of a High Council of Justice and a High Prosecutorial Council, as well as specialised judicial institutions to fight the endemic corruption in the country.

10. The constitutional amendments also allowed for the vetting, under international supervision, of all judges and prosecutors in Albania. While being aware of the considerable, albeit temporary, impact of this vetting procedure on the functioning of key judicial institutions in Albania, the Assembly considers the vetting procedure to be a success. The very high number of judges and prosecutors that did not pass the vetting procedure, more than 60% of all positions vetted, underscores both the importance and the necessity of this vetting process.

11. The Assembly welcomes the establishment of a new judicial map, in close consultation with the Council of Europe and European Union, with a view to increasing the quality and efficiency of the justice system and to address the considerable backlog of cases that are before the courts. The judicial map will be evaluated

every five years on the basis of recommendations by the High Council of Justice, which should allay and address any possible concerns with regard to the access of citizens to the justice system as a result of this reform.

12. While welcoming the marked and tangible progress made, the Assembly urges the authorities to make all necessary efforts to fully eradicate internal and external interference in the judiciary and to address the still too low clearance rate of cases before the courts.

13. Marked progress has been made with regard to the fight against the still widespread and systemic corruption in Albania, and the persistent concerns of intertwinement of organised crime with economic and political interests in the country. A Specialised Structure for Anti-Corruption and Organised Crime (SPAK, comprising of the Special Prosecution Office (SPO), the National Bureau of Investigation (NBI) and two Specialised Anti-Corruption and Organised Crime Courts) is now fully operational and starts to produce concrete results, including with regard to cases of high-level corruption. It is important that these tangible results become a non-reversible trend, and that the anti-corruption structures have all the resources they need, to send a clear signal at all levels of society that there is no impunity for corrupt behaviour.

14. Emphasising that SPAK was established to investigate and adjudicate high-level cases of corruption and organised crime, the Assembly considers that the monetary threshold for cases to fall in an obligatory manner within SPAKs mandate – currently around € 500 – is too low and risks inundating SPAK with cases and therefore limit its capacity to fight high-level corruption. It strongly recommends to the authorities to raise this monetary threshold.

15. The Assembly takes note of the compliance report by the Group of States against Corruption (GRECO) for Albania in the framework of its fifth evaluation round on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies. While welcoming the progress noted by GRECO, it regrets that only 5 of the 24 recommendations made in GRECO's evaluation report have been satisfactorily addressed, while 13 recommendations have only been implemented partially and 6 not at all. The Assembly urges the authorities to fully implement the recommendations made by GRECO as a matter of priority and in particular to:

15.1. address GRECO's misgivings about the Ethics Committee set up to oversee the implementation of, and adherence to, the Ministerial Code of Ethics, by removing members of the government from this committee;

15.2. ensure in law and practice that the Prime Minister is accountable to the Ministerial Code of Ethics;

15.3. ensure that all ministries appoint the integrity coordinators tasked with ensuring compliance with the integrity plans developed by each ministry in consultation with the different stakeholders including civil society;

15.4. ensure that regulations adopted to safeguard the transparency of the interactions of the ministers and persons with top executive functions with lobbyists cover all forms of contact, including by electronic means, and not only physical meetings.

16. With regard to the execution of judgments by the European Court of Human Rights (the "Court"), the Assembly welcomes the decision by the Committee of Ministers to close its supervision of the execution of the set of cases in *Manushaqe Puto and others v. Albania*, indicating a successful resolution of the cases regarding the restitution of properties expropriated by the communist regime that ruled Albania from 1944 to 1992, which had been an important concern of the Assembly. Nevertheless, the number of cases against Albania before the European Court of Human Rights and under supervision by the Committee of Ministers is still too high and additional and consistent efforts are needed to ensure prompt execution of the judgments of the Court, especially with regard to the execution of domestic court judgments and the excessive length of proceedings. The Assembly highlights the importance of respecting the protection of property and calls upon the Albanian authorities to ensure the enforcement of final judicial decisions issued by domestic courts on this matter thus avoiding the need for new cases to be brought before the Court.

17. The Assembly deeply regrets that, despite the overall progress in honouring its obligations and commitments, the media environment has continued to deteriorate in Albania. This backsliding is of serious concern as a free and pluralist media environment is an essential requirement for a well-functioning democracy. The Assembly therefore calls upon the Albanian authorities to:

17.1. refrain from using threats and harsh rhetoric against journalists that affects their physical safety and their capacity to report;

17.2. fully decriminalise defamation, in line with international standards, and cap the disproportionately high fines and excessive amounts of compensation which may be awarded for defamation, which have a chilling effect on journalists and incite self-censorship;

17.3. enact proper legislation to counter the use of strategic lawsuits against public participation (SLAPPs) against journalists, media outlets and civil society organisations.

18. The Assembly pays tribute to the diverse multicultural Albanian society and its historic tradition of interreligious dialogue and tolerance. While recognising that national minorities are – with some exceptions – well integrated in the Albanian society, the Assembly has some concerns with regard to the adequacy of the legal framework for the protection of minority rights. While the adoption of the 2017 Law on the Protection of National Minorities was a major and welcome step forward, the Assembly notes that three essential by-laws that are required to implement the provisions of this law, have still not been adopted. The by-laws that are still lacking concern key aspects for the enjoyment of minority rights including the right to self-identification, the right to education in minority languages and their use in communication with authorities, and the procedure for the recognition of national minorities. In relation to the protection of national minority rights the Assembly urges the authorities to:

18.1. adopt without further delay, and in close consultation with the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, the three by-laws to the 2017 Law on the Protection of Minorities governing the right to self-identification, the right to education in minority languages and their use in communication with authorities, and the procedure for the recognition of national minorities;

18.2. lower considerably, and flexibly interpret, the requirement that a national minority needs to amount to more than 20% of the local population before minority rights and services are legally guaranteed at the municipality level.

19. With regard to the situation of LGBTI+ rights, the Assembly welcomes the adoption of the amendments to the Labour Code that prohibit discrimination on the grounds of sexual orientation or gender. At the same time, it notes that Albania still does not allow for the registration of same sex partnerships, contrary to European standards, or allow people to change their name and gender in the civil registry, which prevents these persons from exercising their civil rights. It calls upon the authorities to address these two issues as a matter of priority.

20. The Assembly regrets that Albania has not joined the European Charter for Regional or Minority Languages (ETS No. 148). Given the extended presence of minority languages in Albania, it calls upon the authorities to sign and ratify it as a matter of priority.

21. The Assembly welcomes the clearly expressed political will by the Albanian authorities, as well as all political forces in the country, to address, as a matter of priority and in close co-operation with the Assembly and the relevant Council of Europe bodies, the concerns and recommendations made in this resolution and the accompanying report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). The Assembly therefore resolves to close the monitoring procedure in respect of Albania and engage in a post-monitoring dialogue with Albania in line with [Resolution 2018 \(2014\)](#) with the objective of addressing the remaining concerns outlined in this resolution.

22. At the same time, should no tangible and concrete progress have been made in addressing the Assembly's concerns and recommendations with regard to the fight against corruption, the protection of minorities, and media freedom and freedom of expression, as expressed in paragraphs 15, 17 and 18 of this resolution, the Assembly expects its Monitoring Committee to consider, already in its first report under the post-monitoring dialogue, whether Albania should be returned to the full monitoring procedure.



Resolution 2545 (2024)¹

Provisional version

Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavik process

Parliamentary Assembly

1. The Parliamentary Assembly stresses that the challenge of climate change constitutes the greatest existential emergency for humankind and that this emergency is mainly due to the lack of long-lasting structural action.
2. The Assembly notes with dismay that the Council of Europe is now the only regional human rights system which has not yet formally recognised the right to a healthy environment.
3. For decades, however, the Assembly has been urging the Council of Europe member States to take this step. In particular, it reaffirms its [Recommendation 2211 \(2021\)](#) “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”.
4. The Assembly notes that at the 4th Council of Europe Summit, held in Reykjavik on 16 and 17 May 2023, the Heads of State and Government recognised the urgency of additional efforts to protect the environment, as well as to counter the impact of the “triple planetary crisis of pollution, climate change and loss of biodiversity” and its effects on human rights, democracy and the rule of law. An Intersecretariat Task Force on the Environment was established in January 2024 and has carried out a stocktaking survey of existing activities, planned activities and proposals for new activities. It also proposed elements for the development of a first Council of Europe strategy on the environment.
5. The Assembly also notes that in 2024, the Committee of Ministers will have to follow up work on the feasibility of instruments on human rights and the environment and the draft convention superseding and replacing the Convention on the Protection of the Environment through Criminal Law (ETS No. 172).
6. Mindful of the strategic importance of this moment, almost one year on from the 4th Summit and three years after [Recommendation 2211 \(2021\)](#), the Assembly wishes to update its expectations and contribute to the implementation of the Reykjavik process through concrete and realistic proposals.
7. The post-Reykjavik environment Strategy will be implemented by and for the young generations and must be supported by civil society. The course must therefore be firmly fixed for the future and the bar set high as the Council of Europe and its member States will be held accountable for decades to come. The Assembly considers that the requirements in terms of accountability must be extremely strict: transparency, ethics, accessibility, responsibility, efficiency, and reliability must be the watchwords of all the measures deployed.
8. The Assembly underlines the need for the future strategy to have a clear goal in terms of setting standards at European level and encourages decision makers to focus on drawing up a legal binding instrument recognising an autonomous right to a healthy environment within the Council of Europe.

1. *Assembly debate* on 18 April 2024 (12th sitting) (see [Doc. 15955](#), report of Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Simon Moutquin). *Text adopted by the Assembly* on 18 April 2024 (12th sitting). See also [Recommendation 2272 \(2024\)](#).



9. The Assembly reiterates that the nature, content and implications of the right to a healthy environment have been widely documented for decades and have been the subject of a wealth of scientific, normative and judicial material.

10. The Assembly welcomes the fact that almost all Council of Europe member States recognise the right to a healthy environment in one form or another in their national legislation and that some systems have already adopted an eco-centric view of this right.

11. In terms of governance, ecological transition will not take place without the buy-in of citizens because of its far-reaching impact on lifestyles. In the Assembly's view, this means that the future strategy must introduce concrete and ambitious measures to promote social acceptance of environmental policies, ensuring meaningful and fully-fledged citizen participation at national level.

12. In addition to compliance with environmental standards and policies, the Assembly encourages measures aimed at strengthening the resilience of the most vulnerable populations and ensuring their inclusion without discrimination in the transition to a sustainable future.

13. The Assembly believes that greater responsiveness can be achieved through the development of specialised environmental teams in all branches of governance. This approach should also be encouraged in the allocation of budgets to courts. For national parliaments to be involved in such developments and environmental policies in general entails that they too should have specialised bodies.

14. In the light of these considerations, the Assembly calls on the Council of Europe member States to:

14.1. continue to reflect continuously at national level on the nature, content and implications of the right to a healthy environment so that, in the near future, this right will be recognised in law as an autonomous human right in each member State;

14.2. step up their efforts to promote, in all governance bodies, the legitimacy and added value of the Council of Europe playing a leading role in drawing up a binding legal instrument recognising an autonomous right to a healthy environment;

14.3. engage in innovative projects to transform environmental governance and in particular to:

14.3.1. encourage the introduction of effective citizen participation mechanisms at national level, such as citizens' assemblies on climate, to promote social acceptance of environmental policies;

14.3.2. provide a framework, structure and support for local initiatives targeting the populations most vulnerable to environmental problems, such as programmes designed to mobilise young people from working-class backgrounds;

14.3.3. support the creation of specialised environmental teams in all branches of governance.



Resolution 2546 (2024)¹

Provisional version

Towards Council of Europe strategies for healthy seas and oceans to counter the climate crisis

Parliamentary Assembly

1. Our planet's seas and oceans are complex ecosystems that are vital for sustaining biodiversity and the livelihood of humans, as well as for regulating the global climate. According to the United Nations, oceans and seas provide 50% of the oxygen needed for life, absorb a quarter of all carbon dioxide emissions and capture 90% of the excess heat generated by those emissions. They are not only the lungs of the planet but also its largest carbon sink and play a crucial role in tackling climate change. Representing 71% of the world's surface, they are essential to life and the economy, in particular transport. However, just like terrestrial landscapes, seas and oceans suffer from the triple crisis of pollution, loss of biodiversity and climate change.
2. Healthy seas and oceans can be our allies in mitigating the triple crisis and the associated threats of social, economic and political nature. As seas and oceans are at the crossroads of human and environmental vulnerabilities, preserving their health is in the direct interest of humankind. In this context, the Parliamentary Assembly underscores the responsibility of member States of the Council of Europe in the realisation of the United Nations (UN) Sustainable Development Goals (SDGs) and, in particular, SDG 14: conserve and sustainably use the oceans, seas and marine resources for sustainable development. The Council of Europe should contribute to bringing the human dimension of maritime activities to the fore and ensure that European standards apply more broadly in order to raise the level of protection of human rights.
3. Following the Reykjavik Summit of Heads of State and Government of the Council of Europe (on 16 and 17 May 2023), political recognition of the right to a clean, healthy and sustainable environment paves the way to better protection and the full exercise of the human rights of current and future generations. The Assembly therefore highlights the duty and challenge of fully acknowledging the need to work on climate resilience, to repair harm and to preserve the maritime heritage for future generations as part of the Reykjavik process. Addressing the condition of seas and oceans from a human rights perspective implies a more adequate consideration of major problem areas linked to the fishing industry, exploitation of the mineral resources in the seabed (in particular deep-sea mining), protection of coastal populations, plastic waste and chemical pollution, proliferation of ships flying "flags of convenience" and unsafe reuse or dismantling of ships.
4. The Assembly recalls its [Recommendation 1888 \(2009\) "Towards a new ocean governance"](#) which called for novel approaches to managing oceans and seas. It welcomes the historic agreement which led to the adoption of the Biodiversity of Areas Beyond National Jurisdiction Treaty (also known as BBNJ or High Seas Treaty) concluded on 4 March 2023 under the auspices of the United Nations. This agreement covers international waters whose protection was previously fragmented and not included in the understanding of the territorial or internal waters of a State in line with the United Nations Convention on the Law of the Sea (UNCLOS, "Montego Bay Convention"). The new treaty fundamentally changes the governance arrangements both inside and outside territorial waters. The high seas are now regarded as a "global public good" which covers a little over half of the surface of the globe, or 64% of the oceans.

1. *Assembly debate* on 18 April 2024 (12th sitting) (see [Doc. 15956](#), report of Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Yuliia Ovchynnykova). *Text adopted by the Assembly* on 18 April 2024 (12th sitting).

See also [Recommendation 2273 \(2024\)](#).



5. The Assembly notes that the preservation of biodiversity of seas and oceans is one of the objectives of the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, “Bern Convention”) and considers that this convention provides a good basis to contribute to better protection of seas and oceans around Europe. The activities of the Standing Committee of the Bern Convention should be further strengthened to protect marine ecosystems effectively and safeguard the rights of future generations.
6. The Assembly, therefore, calls on the Council of Europe member and non-member States to:
 - 6.1. support the implementation of major international treaties governing the protection of marine life:
 - 6.1.1. the UNCLOS which is the main component of the legal framework applying to the seas and oceans;
 - 6.1.2. the Agreement on Port State Measures to combat illegal, unreported and unregulated fishing;
 - 6.1.3. the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, of 1972 (“London Dumping Convention”);
 - 6.1.4. the International Convention for the Prevention of Pollution from Ships of 1973 to prevent pollution of the marine environment by ships from operational or accidental causes;
 - 6.1.5. the Kunming-Montreal Global Biodiversity Framework and the European Union Habitats directive on the conservation of natural habitats and of wild fauna and flora, of 1992, which protect the seabed and marine species amongst other;
 - 6.2. sign and ratify the UN High Seas Treaty so that it can reach 60 ratifications and enter into force in 2025;
 - 6.3. support the Bern Convention and stabilise the resources allocated to its implementation;
 - 6.4. consolidate the link between human rights and the environment, including the seas and oceans dimension, through the Reykjavik Process, and work towards agreeing a comprehensive Council of Europe strategy in this field;
 - 6.5. incorporate the seas and oceans dimension in their national mitigation, adaptation and resilience policies to tackle the climate crisis and ensure adequate involvement of the population whose livelihood directly depends on the health of seas and oceans, notably with regard to fishing activities and exploitation of coastlines;
 - 6.6. ensure the rights enshrined in the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) and provide intelligible information to the public;
 - 6.7. raise public awareness on the issues of overfishing and illegal fishing and expand public participation in decision making aimed at addressing these problems;
 - 6.8. ensure a broad, democratic and transparent mandate of the UN international legally binding instrument to put an end to plastic pollution, including in the marine environment, in order to address the entire life cycle of plastic waste and not only their release into oceans and seas, to be completed by the end of 2024,;
 - 6.9. provide for effective, proportionate and dissuasive penalties for those responsible for any marine pollution, including the possibility of prison sentences in case of deliberate pollution;
 - 6.10. strengthen their legal arsenal and capacity to introduce a new offence that would make it possible to criminally prosecute those who harm the health of seas and oceans;
 - 6.11. contribute to the work of the International Maritime Organisation with a view to bringing the human dimension of maritime activities to the fore, promoting the application of key European human rights standards so that each sector of global maritime activity would meet a high level of protection of human rights;
 - 6.12. promote the codification of the term “ecocide” at national, regional, European and international levels;
 - 6.13. ask national parliaments to provide awareness raising for their parliamentarians on the issue of the right to a healthy environment in general and in relation to marine environment and maritime law;
 - 6.14. support Black sea mine clearance initiatives and activities.

7. The Assembly invites member States to consider “An Environmental Compact for Ukraine – A Green Future: Recommendations for Accountability and Recovery” proposed by the High-level Working Group on the Environmental Consequences of the War concerning the environmental damage affecting the Black Sea. The Assembly encourages Ukraine to co-ordinate activities with allied States that abut the Black Sea in order to:
 - 7.1. collect and analyse information on mines and unexploded ordnance in the Black Sea, water pollution levels and other effects of war on animal and sea life and on biodiversity;
 - 7.2. establish a standing body to report regularly on the environmental impact of the war and transmit this information to the Black Sea Commission and to other relevant international institutions together with recommendations to address this damage and prevent further harm.
8. With regard to good governance of marine resources, the Assembly invites member States to create networks of marine protected areas (MPAs) across Europe’s seas, in order to:
 - 8.1. better identify the elements of biodiversity in MPAs and build a comprehensive inventory of marine resources with a view to optimising their conservation;
 - 8.2. improve understanding of how marine systems are interconnected for ensuring better designation and planning of MPAs at regional level;
 - 8.3. improve reporting mechanisms, data flows and knowledge sharing across Europe regarding marine areas with protected species and habitats, as well as the experience in management regimes designed to protect marine life and observations of how marine life reacts to pressures;
 - 8.4. measure and assess the extent to which MPAs and their networks are achieving their intended purpose.
9. Lastly, the Assembly invites European Union member States to protect and restore 30% of the European Union’s marine areas by 2030 by expanding MPAs with the goal of stopping trawling in those areas and calls on the non-European Union countries to draw on those measures to improve their domestic legislation.



Resolution 2547 (2024)¹

Provisional version

The protection of children against online violence

Parliamentary Assembly

1. The Parliamentary Assembly stresses the urgent need to protect children from violence in the digital environment, especially in view of growing dangers on the internet and new forms of online violence.
2. Children are increasingly exposed to various forms of online violence, sometimes from an early age. The physical and psychological repercussions are often devastating. Increased use of the internet and digital tools, particularly during the Covid-19 pandemic and lockdowns, has led to children being overexposed to age-inappropriate content and behaviour. Smartphones have undoubtedly opened up a new avenue for personal development online, but they are also a potential source of violence.
3. Creating a safe environment and minimising the risk of harm are essential to protect children online. Mindful of the difficulty of reconciling the protection of children and their freedom of expression and other competing rights, the Assembly reiterates that the best interests of the child must prevail in the development and implementation of any measure or policy.
4. The Assembly therefore calls on member States to establish a comprehensive legal framework that protects children in the digital environment by applying an integrated and balanced approach to reduce exposure to harm online while not infringing on children's opportunities to benefit from the internet. In particular, it asks the member States to take the following steps to protect children:
 - 4.1. as a minimum standard, impose effective age verification obligations on websites, particularly on sites providing goods and content which are not intended for children, and which would incur similar obligations in the offline world;
 - 4.2. involve and raise awareness of parents and caregivers, who often lack the knowledge and support to detect online exploitation, abuse, violence and exposure of children to pornography, and empower them to deal with it with the backing of civil society and families' organisations;
 - 4.3. take specific measures to protect young children from premature exposure to the digital environment given their vulnerability to, *inter alia*, violent, sexual or pornographic content and the limited benefits of digital tools with respect to their particular physical, physiological, social and stimulation needs;
 - 4.4. in order to prevent child sexual abuse material and punish perpetrators, set up hash databases supplemented with the due cybersecurity measures with a view to expediting actions to identify and locate children subjected to sexual exploitation or abuse; remove or restrict access to such content; apprehend perpetrators; and provide child victims with the necessary psychological support and rehabilitative care;
 - 4.5. implement school-based educational programmes and outdoor activities, in particular to promote peer-to-peer interactions and parental involvement;

1. *Assembly debate* on 19 April 2024 (14th sitting) (see [Doc. 15954](#), report of Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Joseph O'Reilly). *Text adopted by the Assembly* on 19 April 2024 (14th sitting). See also [Recommendation 2274 \(2024\)](#).



- 4.6. in such programmes, provide children and young people with training on assertiveness, empathy, problem solving, emotion management and help seeking;
 - 4.7. implement comprehensive sexuality education that covers the issues of online dating and relationships in depth and aims to counter portrayals of violence in sexual relationships and homophobic bullying and raise awareness about the fight against the oversexualisation of children;
 - 4.8. run information and awareness-raising campaigns on harmful deepfakes, including those of a pornographic nature; ban deepfakes and ensure their removal from digital platforms.
5. The Assembly recommends that member States work closely with stakeholders in the technology industry in order to:
- 5.1. improve the development of policies and regulatory frameworks and facilitate their appropriation and implementation by the technology industry;
 - 5.2. increase the accountability and responsibility of stakeholders in the technology industry to protect child users, including by requiring them to provide assistance to law enforcement authorities in terms of technical support and equipment to facilitate the identification of perpetrators of crimes against children and the collection of evidence required for criminal proceedings;
 - 5.3. develop and implement policies that address cyberbullying, harassment and incitement to hatred and violence in the digital environment, including clear information on unacceptable behaviour, reporting mechanisms and the importance of support for children affected by such conduct;
 - 5.4. integrate safety and privacy in the design and by default, while taking into account children's right to protection from violence online, as guiding principles for the features and functionalities of products and services intended for or used by children.
6. In line of the latest edition of the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse on 18 November 2023, the Assembly is convinced of the importance of learning from victims and survivors of childhood sexual violence in order to develop effective policies based on real-life experiences. It recommends that member States listen to victims of childhood online violence, taking all necessary precautions, when drawing up measures and policies to prevent, protect against and combat online violence.
7. The Assembly notes the importance of international and cross-border co-operation in protecting children from online violence and calls for as many countries as possible around the world to accede to the relevant treaties and effective mechanisms that already exist. In this respect, it calls for:
- 7.1. observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly to accede to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Lanzarote Convention);
 - 7.2. member and observer States of the Council of Europe, and States whose parliaments enjoy observer or partner for democracy status with the Assembly that have not yet done so to accede to the Convention on Cybercrime (ETS No. 185, Budapest Convention);
 - 7.3. Council of Europe member States that have not yet done so to join Interpol and its International Child Sexual Exploitation Database to exchange information on child sexual abuse cases.
8. The Assembly commends the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) for its work on the second monitoring round (2017-2022) on the implementation of the Lanzarote Convention, focusing on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) and addressing the challenges raised by child self-generated sexual images and/or videos. It invites the States Parties to the Lanzarote Convention to pursue their work on children and emerging technologies, in particular artificial intelligence and the virtual world, in greater depth, taking into consideration new risks for children, including those linked to deepfakes of a sexual or pornographic nature.
9. The Assembly is determined to further examine the issue of "violent pornography", including pornography available online, taking into account the specific problem of children being exposed to such content.