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Assemblée parlementaire

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COUNCIL OF EUROPE



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**TEXTS ADOPTED  
BY THE ASSEMBLY**

**Provisional versions**

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Recommendations  
2282 to 2286





**Recommendation 2282 (2024)<sup>1</sup>**

Provisional version

## The Council of Europe Development Bank: implementing the Reykjavik Declaration

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2566 \(2024\)](#) “The Council of Europe Development Bank: implementing the Reykjavik Declaration” (CEB, or “the bank” in short). It recalls that by endorsing the Reykjavik Declaration, the Council of Europe member States have unanimously recognised the added value the CEB can provide to support the reconstruction of Ukraine and projects focused on the social dimensions of climate change and environmental degradation. These strategic fields of the bank’s action require substantial financing effort, close co-operation with the international partners and strong solidarity of member States.
2. The Assembly therefore asks the Committee of Ministers to:
  - 2.1. renew the call on the five States that have not yet joined the CEB – Armenia, Austria, Azerbaijan, Monaco and the United Kingdom – to consider becoming members at the earliest opportunity;
  - 2.2. ensure close co-ordination of the implementation of country action plans and Council of Europe co-operation activities with the relevant work of the CEB.

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1. *Assembly debate* on 30 September 2024 (25th sitting) (see [Doc. 16042](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Eka Sepashvili). *Text adopted by the Assembly* on 30 September 2024 (25th sitting).







## Recommendation 2283 (2024)<sup>1</sup>

Provisional version

# A shared European approach to address migrant smuggling

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2568 \(2024\)](#) “A shared European approach to address migrant smuggling” and to the [Reykjavik Declaration](#), adopted on 16 and 17 May 2023 at the 4th Summit of the Heads of State and Government, and the commitment by member States to fight against the trafficking and the smuggling of migrants through international co-operation “while continuing to protect the victims and respect the human rights of migrants and refugees, as well as supporting frontline States, within the existing Council of Europe frameworks.”

2. The Assembly welcomes the decision by the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC) with an additional task in accordance with its terms of reference for 2024-2027 to be implemented until the end of 2024, namely: “within the existing Council of Europe frameworks, consider and explore concrete ways to improve international co-operation in fighting the smuggling of migrants, thereby also considering the protection from aggravated instances of migrant smuggling, with full respect for their human rights and taking into account the relevant legal framework, and prepare a report assessing the need for and feasibility of a possible instrument in this field” ([CDPC \(2023\)09](#)).

3. The Assembly recommends that an instrument on the smuggling of migrants be prepared and adopted by the Committee of Ministers which will ensure as much consistency as possible in the understanding and interpretation of this crime, and which:

3.1. endorses the definition contained in the [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime](#), which explicitly restricts this definition to “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”;

3.2. recalls that the “procurement” of illegal entry is not tantamount to crossing a border irregularly and that the crime of migrant smuggling necessarily involves that the smuggler is making a material or non-material profit;

3.3. expressly states that migrants are not the perpetrators of the crime of smuggling and that reducing or waiving the smuggling fee in return for facilitating the unauthorised crossing of a border should not be considered as a criminal act committed by the smuggled migrant if this was done under coercion or threat, or if they are found to be in need of a form of protection (refugee, person in need of humanitarian protection, person at risk of being a victim of trafficking, victim of trafficking);

3.4. clarifies that people in need of protection should not be criminalised or administratively sanctioned for crossing a border unauthorised pursuant to Article 31 of the [United Nations Convention relating to the Status of Refugees](#) and pursuant to Article 26 of the European Convention on Action against Trafficking in Human Beings ([CETS No. 197](#));

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1. *Assembly debate* on 1 October 2024 (27th sitting) (see [Doc. 16032](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Lord Simon Russell). *Text adopted by the Assembly* on 1 October 2024 (27th sitting).



3.5. explicitly exempts humanitarian assistance and any support to migrants in accessing their fundamental rights from any form of criminal liability, when such acts are conducted without seeking any financial or material benefit;

3.6. clarifies that member States which have ratified the [International Covenant on Political and Civil Rights](#) and Protocol No. 4 to the European Convention for Human Rights (ETS No. 46) are legally bound by the obligation to protect and safeguard the right to leave any country, including one's own, and that restrictions on such fundamental right should always be lawful and proportionate in line with the conditions enounced in Article 2 of this Protocol.

4. The Assembly considers that the mandate, expertise, tools, experience and geographical scope of the Council of Europe justify for the Organisation to play a leading role in helping member States to define a shared European approach to the smuggling of migrants. It strongly encourages the Committee of Ministers to ensure that any discussions on an instrument about migrant smuggling that involves the European Union will enhance co-ordination and ensure the alignment of legislation and policies with Council of Europe standards and international human rights law.





## Recommendation 2284 (2024)<sup>1</sup>

Provisional version

# Missing migrants, refugees and asylum seekers – A call to clarify their fate

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2569 \(2024\)](#) “Missing migrants, refugees and asylum seekers: a call to clarify their fate” and invites the Committee of Ministers to express the Council of Europe’s readiness, in line with the Organisation’s values and standards, to join forces with its international partners and to support member States in further developing and adding to the efforts which have been initiated in recent years on the issue of missing migrants, refugees and asylum seekers.
2. In this respect, the Assembly encourages the Committee of Ministers to strengthen its paths of co-operation with the most relevant organisations on the international stage, in particular with the International Committee of the Red Cross, INTERPOL, the United Nations High Commissioner for Refugees, the United Nations International Children’s Emergency Fund, and the International Organization for Migration.
3. It considers that progress on joined-up and coherent policy making on this issue also requires specific discussions between the competent authorities of member States. It invites the Committee of Ministers to acknowledge the pressing need for common standards across member States in order to improve search processes at national and transnational levels, and to improve the management and the identification of deceased migrants, in particular by:
  - 3.1. updating [Recommendation No. R\(99\)3](#) on the harmonisation of medico-legal autopsy rules, in light of the emerging challenges and new practices, especially with respect to post-mortem documentation for identification, the standardisation of forensic investigation and autopsy rules and the particular context of cross-border mobility;
  - 3.2. adopting guidelines on data collection, transmission and centralisation of the post-mortem data for forensic identification of missing persons in Europe; providing a standard definition of missing persons; and protecting the rights of members of the families as data subjects protected under the [Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#) (ETS No. 108) as amended by Protocol CETS No. 223 (“Convention 108+”). These guidelines should also cover the specific legal and practical issues at stake as regards the situation of missing migrants, refugees, asylum seekers, and of families in search of missing persons, including the cross-border context, and could be made open for endorsement by non-member States which are party to the Convention 108+;
  - 3.3. facilitating discussions between prosecutors across member States, particularly as regards the possibility of reviewing the standard practices already in place in a series of member States on the identification and management of cases of deceased missing migrants, refugees and asylum seekers, and of establishing guidelines for a standard protocol to be used across all member States.

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1. *Assembly debate* on 1 October 2024 (27th sitting) (see [Doc. 16037](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Julian Pahlke). *Text adopted by the Assembly* on 1 October 2024 (27th sitting).







**Recommendation 2285 (2024)<sup>1</sup>**

Provisional version

## **Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine**

Parliamentary Assembly

1. Referring to its [Resolution 2573 \(2024\)](#) “Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine” and underlining its unwavering support to Ukraine for ensuring decisive victory over the Russian Federation following the full-scale military aggression against Ukraine unleashed by the Russian Federation on 24 February 2022, the Parliamentary Assembly reiterates its condemnation of the situation related to the fate of prisoners of war and civilians held in Russian captivity and will remain involved until the last captive is released and/or repatriated.
2. The Assembly believes that the Council of Europe should ensure that this topic remains high on the international political agenda of all Council of Europe member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly in order to prevent that persons go missing in the hands of the Russian Federation, to clarify the identity and whereabouts of missing persons, to ensure the proper treatment of Ukrainian prisoners of war and civilians held in Russian captivity in line with international humanitarian law and human rights standards, their prompt release, their socio-medical rehabilitation, and the accountability of the Russian Federation and the perpetrators of the crimes committed against these persons.
3. Convinced that it shares the same political priority, the Assembly invites the Committee of Ministers to keep the topic under close scrutiny in the context of its continuous deliberations regarding the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine and the next steps towards creating a reliable mechanism that will ensure justice and compensation for Ukraine and its people, notably the setting up of an international mechanism to compensate the victims and the establishment of a special tribunal for the crime of aggression against Ukraine.
4. The Assembly reminds the Committee of Ministers that partner States, including Council of Europe member States, may introduce packages of international targeted sanctions against Russian officials responsible for the unlawful deprivation of liberty of Ukrainian civilians. In the same vein, and based on the principle of universal jurisdiction, partner States may initiate criminal prosecution against Russian officials responsible for the unlawful deprivation of liberty of civilians.
5. The Assembly remains available to discuss with the Committee of Ministers possible next steps on the issue of Ukrainian prisoners of war and civilians held in Russian captivity during a future Joint Committee meeting.

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1. *Assembly debate* on 2 October 2024 (29th sitting) (see [Doc. 16050](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Mariia Mezentsseva-Fedorenko). *Text adopted by the Assembly* on 2 October 2024 (29th sitting).







## Recommendation 2286 (2024)<sup>1</sup>

Provisional version

# Guaranteeing the human right to food

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2577 \(2024\)](#) “Guaranteeing the human right to food”. It notes that the Council of Europe was active in the past in promoting a human rights approach to healthy food in co-operation with other international organisations such as the World Health Organisation (WHO) and the European Union (then the European Economic Community).
2. Despite past activities such as the Partial Agreement in the Social and Public Health Field and work on consumer health and food quality, the Council of Europe is today less present in this area, in which the European Union now takes the lead in the development of food law, with the focus on food safety and consumer protection.
3. The Assembly considers that in complement to legislation on food safety and consumer protection, there is room for a wider approach reflecting the full complexity of the issues linked to access to food as a fundamental right.
4. The Assembly is convinced that only a holistic human rights-based approach, centred on the right to food, can ensure the transition to sustainable and inclusive food systems.
5. The Assembly highlights in this respect that the right to food is recognised in international law as an autonomous human right, interdependent and indivisible with other human rights (in particular the right to an adequate standard of living, the right to a healthy environment, the right to water, the right to health, the rights of farmers and the rights of workers in food systems).
6. The human rights framework which has thus developed in international law places the requirements of food availability, accessibility, sustainability and adequacy at the heart of the approach. It is based on the principles of participation, accountability, non-discrimination, transparency, human dignity, the rule of law and solidarity. It also pays particular attention to inequalities at all stages of the food chain and makes it possible to define the shared rights, duties and responsibilities of States, the food industry and, potentially, individuals.
7. The Assembly believes that this approach, fully in line with the core values of the Council of Europe, is an essential lever which the Council of Europe together with other international organisations should (re)activate as a basis to work for the right to food for all.
8. The Assembly therefore recommends that the Committee of Ministers:
  - 8.1. reclaim the subject of the right to food as an autonomous right that is interdependent with the right to a healthy environment, for example by including it in the building blocks for the new Council of Europe strategy for the environment announced in 2024 on the basis of Appendix V of the Final Declaration of the Reykjavik Summit of Heads of State and Government;
  - 8.2. re-establish institutional synergies with the Food and Agriculture Organisation (FAO) and the World Health Organization (WHO) in order to identify areas of complementarity;

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1. *Assembly debate* on 3 October 2024 (31st sitting) (see Doc. 16041, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Simon Moutquin). *Text adopted by the Assembly* on 3 October 2024 (31st sitting).



*Recommendation 2286 (2024)*

8.3. invite the Steering Committee for Human Rights to explore the possibility of supplementing the Organisation's normative framework to guarantee the right to food.

Resolutions  
2566 to 2578







**Resolution 2566 (2024)<sup>1</sup>**

Provisional version

## The Council of Europe Development Bank: implementing the Reykjavik Declaration

Parliamentary Assembly

1. The Council of Europe Development Bank (CEB, or “the bank” in short) is Europe’s oldest multilateral development bank and an enlarged partial agreement of the Council of Europe. Ever since its creation in 1956, the CEB has promoted social cohesion by investing in people, jobs, socio-economic inclusion and resilient living environments. The bank’s mission covers response to multifaceted social challenges including the integration of migrants, displaced persons and refugees, financing of affordable housing and vital infrastructure for healthcare, education, training, administration and the judicial sector, as well as rehabilitation of cultural heritage, handling of natural disasters, sustainable urban and rural development, microfinance and, more recently, support for the reconstruction of Ukraine.
2. During the Reykjavik Summit of the Council of Europe (16-17 May 2023), member States acknowledged the added value the CEB can provide to support the reconstruction of Ukraine and encouraged the bank to focus on the social dimensions of climate change and environmental degradation. These expectations, as expressed in the Reykjavik Declaration, are aligned with the orientations of the CEB’s Strategic Framework for 2023-2027 which sets three overarching goals: responding to social development needs and inclusion challenges; investing in comprehensive assistance to refugees and migrants (including capacity building for the future); and providing targeted support to Ukraine (reconstruction and rehabilitation of various social sectors).
3. The Parliamentary Assembly appreciates the gradual expansion of the CEB’s membership. It welcomes the joining of Andorra in 2020 and of Ukraine in 2023. The Assembly strongly encourages the following five outsider States – Armenia, Austria, Azerbaijan, Monaco and the United Kingdom – to become members at the earliest opportunity. Their membership would enhance the CEB’s capacity for action in the face of the huge social challenges all across Europe and would help support Ukraine, the bank’s newest member, with vast and urgent social needs in times of war.
4. The Assembly commends the CEB for its continued prudent management of capital resources and reserves, fully regained triple-A credit rating and increased visibility, leadership in the issuing of social inclusion bonds and timely capital increase. It stresses that the highest possible participation by the member States in this capital increase would be desirable. The Assembly also notes the importance of grant support (for investment and technical assistance) in addition to loans, against the background of the growing complexity of CEB-managed projects and the specific challenges linked to operations in Ukraine. It therefore encourages member States to consider further mobilising additional resources for the bank’s action to match the ambition set out in the Reykjavik Declaration.
5. The Assembly notes that the CEB’s work in the past five years has been considerably impacted by several disruptive developments: the Covid-19 pandemic, the war of aggression against Ukraine, large-scale natural disasters and the acceleration of the climate crisis. Social vulnerabilities were thus amplified in

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1. *Assembly debate* on 30 September 2024 (25th sitting) (see [Doc. 16042](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Eka Sepashvili). *Text adopted by the Assembly* on 30 September 2024 (25th sitting).

See also [Recommendation 2282 \(2024\)](#).



member States in addition to the already existing challenges. The Assembly congratulates the CEB for its flexible and tailored support to its member States in the context of the pandemic and natural disasters, such as in the case of the February 2023 earthquakes in Türkiye, the rapid assistance to Ukrainian refugees and the swift accession procedure for Ukraine to join the bank, thus enabling the start of operations in the country.

6. The Assembly views the CEB's continued support to its member States in their efforts to honour commitments under the UN 2030 Agenda for Sustainable Development as highly valuable. The stocktaking on progress so far shows that additional efforts are needed on the Sustainable Development Goals (SDGs) to reduce the risk of poverty and social exclusion which still affects about one fifth of the population in European countries. Moreover, fostering resilience and tackling climate change (SDG 13) is a complex challenge that requires greater collective action and an accelerated transition to more sustainable development models at national level. The CEB also supported the achievement of SDG 11 (sustainable cities and communities), thereby contributing also to reducing inequalities under SDG 10.

7. The CEB's close co-operation with international partners, such as the European Union, international financial institutions and the specialised agencies of the United Nations is of utmost importance for maximising the impact of projects. This co-operation enables investment co-ordination for the realisation of regional projects, facilitates access to financing for countries that are candidates or potential candidates to accession to the European Union and supports multilateral technical assistance to individual countries or sectoral action. The Assembly hails this effort and encourages the CEB to further reinforce its co-operation with partner institutions, notably the European Union and peer multilateral development banks.

8. Bearing in mind the CEB's mission, the Strategic Framework for 2023-2027, the United Nations 2030 Agenda for Sustainable Development and the Reykjavik Declaration, the Assembly invites the bank to persevere in:

- 8.1. responding flexibly to social developments and inclusion challenges in its member States by:
  - 8.1.1. bringing the projects even closer to beneficiaries at the local level;
  - 8.1.2. consistently applying the vulnerability lens to screen and finance projects with the highest social impact;
  - 8.1.3. strengthening its focus on target group countries through the provision of more grants, technical assistance and capacity building to support the preparation and implementation of social projects with the highest potential impact;
  - 8.1.4. contributing to the financing of projects that improve the provision and accessibility of quality public services;
  - 8.1.5. promoting micro-finance and social enterprises financing, in particular for vulnerable population groups that lack access to credit and socio-economic opportunities (young entrepreneurs, farmers, women, migrants);
  - 8.1.6. specifically addressing the needs of the most vulnerable population, including Roma communities;
  - 8.1.7. considering, where relevant, the annual conclusions of the European Committee of Social Rights (ECSR) and country-specific recommendations of other Council of Europe bodies;
- 8.2. investing in assistance to migrants, their integration and social inclusion at the local and regional levels;
- 8.3. gradually enhancing support for the Ukrainian Government in the recovery, reconstruction and rehabilitation efforts in social sectors, with particular attention to housing, public health and the special needs of the most vulnerable population groups, notably children, the elderly, persons with disabilities and those injured during the war;
- 8.4. focusing on the social dimensions of climate change and environmental degradation, as highlighted in the Reykjavik Declaration, with a view to fostering a just transition towards green economy and allowing vulnerable groups to adapt as best as possible to the effects of climate change;
- 8.5. considering the issuance of sustainable development bonds to raise additional funds for projects that underpin transition to more sustainable development models;
- 8.6. continuing to engage and co-operate more closely with partner institutions such as the European Union and multilateral development banks;

- 8.7. actively pursuing its close links and joint objectives with the Council of Europe, both at the operational level and through strategic alignment;
- 8.8. ensuring that funded projects are chosen and designed so that they also contribute to the preservation and protection of the environment.





## Resolution 2567 (2024)<sup>1</sup>

Provisional version

# Propaganda and freedom of information in Europe

Parliamentary Assembly

1. The Parliamentary Assembly is concerned about the pervasive dissemination of propaganda that aims at biasing public opinion, endangers the proper functioning of our democratic systems and threatens our common values and human dignity. Such harmful propaganda includes both propaganda that is illegal and propaganda that, although not prohibited, can impair the development of free opinions and informed citizen participation in public debate and decision making, through unethical methods of communication, including disinformation and tools of psychological manipulation.
2. Council of Europe member States must shield themselves against all forms of propaganda which are illegal under international law, including propaganda for war, incitement to genocide and other international crimes, hatred, terrorism and discrimination, and they must be able to defuse propaganda that clearly runs counter to the fundamental values of the European Convention on Human Rights (ETS No. 5, “The Convention”) and is detrimental to democracy. Indeed, according to its Article 17, the Convention does not permit any propaganda aimed at the destruction of any rights and freedoms set forth therein.
3. Measures to fight against harmful propaganda must, however, respect the right to freedom of expression, including freedom of information, protected by Article 10 of the Convention, which is a fundamental constituent element of any democracy. As stated in the case law of the European Court of Human Rights, restrictions on this right must be provided by law, and be motivated by and proportionate to a legitimate aim.
4. Moreover, these measures must abide by the rule of law and respect the separation of powers. In the absence of an independent judiciary and independent media regulators, legislation designed to combat harmful propaganda and the possibility to sanction media or individuals can lead to disastrous consequences for media freedom.
5. Fighting harmful propaganda must not become a pretext for censorship. Counteracting measures should not produce a chilling effect on media work, including reporting on armed conflicts, and should not prevent or discourage an unhindered debate on issues of public interest. Censoring “problematic” media as well as content from extremist groups can reinforce the public perception that media regulation is corrupt and engineered to hide the “truth”. This could reinforce conspiracy narratives and strengthen extremist voices.
6. The Assembly acknowledges that for authoritarian regimes, such as the Russian Federation, propaganda is an inalienable part of their war on democracy. The Russian State-funded RT (formerly known as “Russia Today”) and its worldwide network and the “troll factories” are part of a broader strategy to destabilise European democracies and influence the political processes. The Assembly also refers to its Resolution 2540 (2024) “Alexei Navalny’s death and the need to counter Vladimir Putin’s totalitarian regime and its war on democracy” and reiterates its call to recognise that the Russian Orthodox Church is being used as an instrument of Russian influence and propaganda by the Kremlin regime.

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1. *Assembly debate* on 1 October 2024 (26th sitting) (see [Doc. 16034](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 1 October 2024 (26th sitting).



7. The challenge that democratic States must meet is neutralising harmful propaganda while preserving the right to freedom of expression, including media freedom and pluralism. They should ensure that all restrictions and countermeasures are limited to those necessary in a democratic society to preserve the fundamental values on which it is built.

8. In this respect, the Assembly considers that responses to harmful propaganda must be multifaceted, and that States should focus on fighting against propaganda, while acting in favour of democratic values and fundamental rights.

9. Harmful propaganda has a transnational dimension and to counter it member States must reinforce their co-operation. The Council of Europe has an important role to play in this respect.

10. Moreover, stronger collaboration between public authorities and the private sector is required. News media outlets and journalists bear a responsibility in the fight against the spread of propaganda. They should address negative perceptions of the mainstream media, to build trust and maintain readership of their audiences.

11. Last, but not least, there is a need to safeguard the public's right to know, empower citizens to make informed choices, enhance reliance in democratic institutions and increase the resilience of the whole of society against the all too frequent systematic deceitful attempts at manipulation of public opinion.

12. For these reasons, the Assembly recommends that member States develop holistic strategies to counter illegal propaganda and provide effective responses to the spread of harmful, though legal, propaganda. In this respect, they should in particular:

12.1. ensure that propaganda prohibited by international law and propaganda which seriously threatens democracy and human rights is declared illegal in domestic law;

12.2. ratify the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225, "the Vilnius Convention"), and ensure its implementation with due regard to the impact of artificial intelligence technologies on production and dissemination of disinformation and illegal propaganda;

12.3. review as required national legislation to provide for appropriate legal action against the sponsoring, production and dissemination of illegal propaganda, while fully respecting the right to freedom of expression and ensuring that restrictions and sanctions strictly observe the three-part test of legality, legitimacy and necessity;

12.4. impose targeted sanctions on those Russian media outlets such as RT and its affiliates, whose work violates journalism ethics and represents a threat to the national security of member States;

12.5. impose targeted sanctions on war propagandists, such as Margarita Simonyan, Olga Skabeeva, Vladimir Solovyov and others, if this has not already been done;

12.6. recognise the role of the Russian Orthodox Church as a tool of Russian State propaganda, and evaluate and address the involvement of religious institutions that are used for spreading the Kremlin's propaganda in their countries;

12.7. introduce safeguards, including procedural ones, to apply restrictive measures carefully, avoiding their abuse or misuse, and ensuring that they do not become tools to silence critical voices and opposition;

12.8. establish proper independent media oversight mechanisms, entrusted to independent regulators, to review the legality, legitimacy and necessity of restrictions intended to counter harmful propaganda, as well as their concrete implementation modalities;

12.9. provide reliable and trustworthy information on matters of public interest, such as the economy, public health, security, protection of human rights for all and the environment, in particular on controversial issues, such as climate change and its impact, the rights of minorities, migrants or LGBTIQ+ people, sex and gender issues, among others;

12.10. ensure transparency of governmental activities through proactive and responsive measures for those seeking official information according to the Council of Europe Convention on Access to Official Documents (CETS No. 205), and maintain the right of access to information during states of emergency, to build trust around governmental information processes;

12.11. take effective steps to foster equal access of all to information, including women, young people, and disadvantaged groups;

- 12.12. promote media and information literacy and invest in media and civic education programmes to uphold critical thinking;
  - 12.13. promote a free, independent, and diverse information and communication environment, including a diverse and pluralistic media landscape;
  - 12.14. ensure that public service media are independent and adequately resourced to fulfil their mission of public interest;
  - 12.15. encourage and support quality journalism and the existence and effective implementation of professional standards by different media actors;
  - 12.16. reinforce transparency of media ownership and financial sources;
  - 12.17. encourage research on harmful propaganda, to help inform local, national, and Europe-wide strategies on confronting it;
  - 12.18. strengthen their collaboration and look within the framework of the Council of Europe for co-ordinated responses, making better use of the co-operation mechanisms and tools provided by the Organisation.
13. The Assembly calls on professionals and organisations in the media sector to:
    - 13.1. refuse to become instruments of propaganda for war, violence, discrimination and hatred and engage in spreading the principles of peace and human dignity to foster a culture of tolerance, mutual understanding and respect between different groups in society;
    - 13.2. adhere to the highest professional standards to ensure quality information, including while using generative artificial intelligence tools and distributing information via automated systems;
    - 13.3. promote collaboration, mutualise efforts to fight against misinformation and disinformation and share the experience acquired in the fight against harmful propaganda;
    - 13.4. peer review possible propaganda and harmful content in the media, to deactivate it when illegal and counterbalance it in other cases.
  14. The Assembly calls on internet intermediaries to:
    - 14.1. develop adequate tools – including artificial intelligence tools under human control – to identify illegal propaganda and block its dissemination, possibly before it becomes accessible to internet users, and remove content promptly and effectively when requested by the competent authorities;
    - 14.2. actively co-operate with public, social and private entities to promote and support media literacy, notably to counter disinformation and hate speech;
    - 14.3. enhance algorithmic transparency;
    - 14.4. ensure that the artificial intelligence systems they develop or use uphold Council of Europe standards, including the new Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law;
    - 14.5. take steps to demonetise the dissemination of disinformation and harmful propaganda;
    - 14.6. facilitate access to relevant machine-readable data for the purpose of research, which is needed to develop evidence-based countermeasures against disinformation and harmful propaganda.







## Resolution 2568 (2024)<sup>1</sup>

Provisional version

# A shared European approach to address migrant smuggling

Parliamentary Assembly

1. Referring to the [Reykjavik Declaration](#) and the renewed commitment by the Heads of State and Government during the 4th Summit to fight against the smuggling of migrants, the Parliamentary Assembly considers that the smuggling of migrants is a transnational criminal activity challenging States' sovereign right to control their borders and increasing the vulnerability of people on the move.
2. The Assembly considers that one of the keys to combating migrant smuggling is to make the business of smugglers unprofitable and to increase effective access to safe and legal pathways for labour migration, family reunion, and people seeking international protection. A State-led approach should aim to regulate and protect human mobility on the one hand, while enhancing the means dedicated to investigating and sanctioning organised cross-border criminal groups involved in the smuggling of migrants, on the other.
3. The Assembly believes that an effective strategy against the smuggling of migrants should involve a multidisciplinary approach across competent administrations within and across member States. Equally, co-operation between source, transit and destination countries of migration movement should be structured around a response covering both the criminal and human aspects, aiming to address the drivers of migrant smuggling through information campaigns and an effective increase of safe and legal migration pathways, and at the same time to protect the fundamental rights of people on the move, including smuggled migrants.
4. The Assembly highlights that the migrant smuggling is a transnational crime and that only through international co-ordination and co-operation will source, transit and destination countries be able to ensure that the response to this crime is rooted in the rule of law and international human rights frameworks, thus allowing to defend both States' sovereign right to control their borders and the rights of people on the move.
5. The Assembly welcomes the fact that the vast majority of States across the globe have endorsed the [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime](#) (the "Palermo Protocol"), which provides for the harmonisation of legislations through an internationally recognised definition, according to which migrant smuggling is "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" (Article 3).
6. The Assembly considers that any initiatives taken by the Council of Europe, including through the adoption of a regional instrument on the issue of migrant smuggling, should not aim to create new crimes but should instead complement the Palermo Protocol, facilitating its unambiguous and consistent interpretation in the light of the challenges faced today.
7. The Assembly recalls that the crime of migrant smuggling is not equal in nature to irregular border crossing. Moreover, pursuant to Article 31 of the [United Nations Convention relating to the Status of Refugees](#), States shall not impose penalties, on account of their irregular entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened, enter or are present in their territory

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1. *Assembly debate* on 1 October 2024 (27th sitting) (see [Doc. 16032](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Lord Simon Russell). *Text adopted by the Assembly* on 1 October 2024 (27th sitting). See also [Recommendation 2283 \(2024\)](#).



without authorisation, provided they present themselves without delay to the authorities and show good cause for their irregular entry or presence. The need for international protection of each person should be examined in a fair and individualised manner. States should also not impose penalties on individuals who were coerced into committing an illegal act pursuant to Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

8. The Assembly highlights that migrant smuggling and trafficking in human beings are different and distinct in nature. The Assembly warns against conflating these two crimes, which hinders the ability of States to provide an effective response and to put an end to these criminal activities.

9. The Assembly notes, with concern, the lack of consistency in the legislation of member States aimed at combating the smuggling of migrants, which can lead to negative human rights consequences. It recalls that laws or actions relating to migrant smuggling should never be used to intimidate or criminalise migrants and migrants' rights defenders. Such practices do not increase the efficiency of policy action to prevent and tackle the crime of migrant smuggling and moreover put the rights enshrined in the European Convention on Human Rights (ETS No. 5) at risk, in particular Article 11 and Article 3, for instance when they result in the obstruction of humanitarian assistance.

10. The Assembly reiterates its view as expressed in [Resolution 2323 \(2020\)](#) and [Recommendation 2171 \(2020\)](#) "Concerted action against human trafficking and the smuggling of migrants" that a Council of Europe instrument would usefully complement the international standards set in the Palermo Protocol, and recommends that a strict definition be adopted and transposed into domestic law by member States with a view to ensuring as much consistency as possible in the understanding and interpretation of this crime. Such an instrument should in particular:

10.1. comply with the definition of the crime of migrant smuggling and the scope of criminalisation as defined in Articles 3 and 6 of the Palermo Protocol, including aggravating circumstances;

10.2. acknowledge the heterogeneous profile of people involved in the perpetration or the facilitation of the crime of migrant smuggling and the necessity to prosecute perpetrators according to a proportionate, gradual and nuanced approach to criminal sanctions;

10.3. recall that the "procurement" of illegal entry is not tantamount to crossing a border irregularly and that the crime of migrant smuggling necessarily involves that the smuggler is making a material or non-material profit;

10.4. expressly state that migrants are not the perpetrators of the crime of smuggling and that reducing or waiving the smuggling fee in return for facilitating the unauthorised crossing of a border should not be considered as a criminal act committed by the smuggled migrant if this was done under coercion or threat, or if they are found to be in need of a form of protection (refugee, person in need of humanitarian protection, person at risk of being a victim of trafficking, victim of trafficking);

10.5. clarify that people in need of protection should never be criminalised or administratively sanctioned for crossing a border unauthorised pursuant to Article 31 of the United Nations Convention relating to the Status of Refugees and Article 26 of the European Convention on Action against Trafficking in Human Beings;

10.6. explicitly exempt humanitarian assistance and any support to migrants in accessing their fundamental rights from any form of criminal liability, when such acts are conducted without seeking any financial benefit;

10.7. clarify that member States are legally bound by the obligation to protect and safeguard the right to leave any country, including one's own, as enshrined in Article 2 of Protocol No. 4 to the European Convention on Human Rights (ETS No. 46), and in Article 12 of the [International Covenant on Civil and Political Rights](#).

11. The Assembly recognises the particularly complex challenges associated with the investigation and sanctioning of migrant smugglers and strongly recommends that European co-operation efforts be primarily geared towards the strengthening of criminal justice efforts to address migrant smuggling in a way that disrupts the criminal organisations and removes the financial incentive for this crime. In this respect, the Assembly welcomes the establishment of the Council of Europe Network of Prosecutors on Migrant Smuggling and the co-operation between this network and the Focus group on migrant smuggling of the European Union Agency for Criminal Justice Cooperation (Eurojust).

12. The Assembly takes note of the dense fabric of regional and international co-operation initiatives already involved in supporting member States and their international partners to combat the smuggling of migrants. It is convinced that such co-operation would strongly benefit from the engagement of Council of Europe member States through a jointly agreed definition. The Assembly suggests that such definition be mainstreamed in the use and in the monitoring of standards such as 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 Convention on Mutual Assistance in Criminal Matters and its additional protocols (ETS Nos. 30, 99 and 182); the Criminal and Civil Law Conventions on Corruption (ETS Nos. 173 and 174), the Convention on Cybercrime (ETS No. 185) and the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data and its amending Protocol (ETS No. 108 and CETS No. 223, “Convention 108+”).

13. The Assembly stresses the obligation of member States to protect the fundamental rights of smuggled migrants, including children, whose vulnerability may be heightened during their passage through smuggling channels.

13.1. Council of Europe instruments should be fully used in the context of border management and in the context of migration policies, in particular the Convention on Action against Trafficking in Human Beings, the European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (ETS No. 126), the Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210), and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201);

13.2. The Assembly reiterates the obligations deriving from the European Social Charter in its original version (ETS No. 35) and the European Convention on the Legal Status of Migrant Workers (ETS No. 93) providing for the protection of migrant workers who are nationals of a contracting party, in particular in its Articles 4 and 5. It also reiterates the Recommendation CM/Rec(2022)211 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and the importance of ensuring that labour inspections are carried out to ensure that all migrants, including migrant workers, are treated with dignity;

13.3. On the protection of smuggled migrants, the Assembly also reiterates the relevance of the Conventions of the International Labour Organization, in particular the Migrant Workers (Supplementary Provisions) Convention (No.143), on the Abolition of Forced Labour Convention (No. 105), and of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Assembly strongly encourages member States to ratify these conventions.

14. The Assembly stresses the important strategic role of the European Union. It considers that the harmonisation of norms along commonly shared human-rights standards is paramount, not only for the sake of coherence between the laws of the European Union member States which are also members of the Council of Europe, but also because of the influence which European Union law exerts on non-European Union member States, especially in the field of migration and border management. Moreover, such norms should conform to the Council of Europe standards and it is paramount that the Council of Europe is proactive in enhancing co-ordination with the European Union on this front.

15. In the context of the recent proposal by the European Commission to revise the so-called “Facilitators Package”, the Assembly warns against the excessively large scope of the crimes falling under the definition of migrant smuggling contained in the proposed Directive intended to replace Directive 2002/90/EC. This exacerbates the risk of inconsistency across European States with regard to their understanding and interpretation of what the crime of migrant smuggling should and should not entail.

16. The Assembly endorses the concerns expressed by the European Data Protection Supervisor on the Proposal for a Regulation on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings (Opinion 4/2024). It agrees with the Supervisor that the proposal fails to demonstrate its alignment with international data protection and fundamental rights standards, with a potential to lead to the adoption of conflicting norms in European Union member States bound by the Council of Europe norms. The Assembly considers that this proposal may be premature and touches on policy areas which are broader than the issue of migrant smuggling. It recommends that discussions on this piece of legislation be disconnected from the discussions around the revision of the Directive 2002/90/EC.





**Resolution 2569 (2024)<sup>1</sup>**

Provisional version

## Missing migrants, refugees and asylum seekers – A call to clarify their fate

Parliamentary Assembly

1. The phenomenon of migrants, refugees and asylum seekers going missing is a tragedy largely underestimated and neglected as a human rights issue requiring policy responses across Europe and the world in line with the Objective No. 8 endorsed by the State parties to the [Global Compact for Safe, Orderly and Regular Migration](#).
2. The Parliamentary Assembly is convinced that concerted initiatives at the public policy level are needed to underpin and multiply the significant efforts already in place through a structured and adequately-resourced vision and plan, rooted in the respect of international human rights and international humanitarian law.
3. The Assembly fully endorses the recommendations outlined in the General Comment No. 1 on Enforced Disappearances in the context of Migration ([CED/C/CG/1](#)) by the United Nations Committee on Enforced Disappearances, and in the report entitled “Unlawful death of refugees and migrants” ([A/72/335](#)) by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions. It also endorses the recommendations in the report by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions “Protection of the dead” ([A/HRC/56/56](#)) including the need to develop universally applicable guiding principles, based on human rights, for a comprehensive protection.
4. The Assembly considers that human dignity should be ensured to all persons in life and in death, and that the obligation in law to treat the deceased with dignity should extend to situations where international humanitarian law is not applicable.
5. The Assembly recalls that, pursuant to Article 2 of the European Convention on Human Rights (ETS No. 5), member States have a duty to prevent violations of the right to life and to investigate any cases of unnatural death or unlawful killings; it is on this basis that they must define how they tackle the issue of missing migrants, refugees and asylum seekers.
6. The Assembly expresses its sympathy and solidarity with the families of the missing and acknowledges their legitimate quest for information. It recognises the right for adults to choose to not divulge their whereabouts to their families, but also the importance for families to know whether their relatives are dead or alive.
7. The Assembly considers that any initiatives conducted by State authorities to report, search or identify a person should never involve the administrative checks or the criminalisation of that person or of any person providing support to them due to their irregular status.
8. On prevention, effective access to safe and legal migration routes, including for family reunion or reunification, must be a priority as well as the provision of humanitarian assistance along migration routes irrespective of the administrative status of the person on the move in need of support.

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1. *Assembly debate* on 1 October 2024 (27th sitting) (see [Doc. 16037](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Julian Pahlke). *Text adopted by the Assembly* on 1 October 2024 (27th sitting). See also [Recommendation 2284 \(2024\)](#).



9. Member States must conduct search and rescue operations at sea and on land according to international law, in full compliance with the European Convention on Human Rights and the consistent case law of the European Court of Human Rights. Pushbacks are illegal practices which may also lead to disappearance and must stop immediately.

10. Reiterating the importance of fully abiding by the [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (ETS No. 126), the [Council of Europe Convention on Action against Trafficking in Human Beings](#) (CETS No. 197) and the [Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (CETS No. 210) the Assembly underlines the need to protect vulnerable people on the move who are or may be at risk of being victims of trafficking, victims of torture, victims of enforced disappearance or victims of gender-based and domestic violence, and thus to reduce their risk of going missing. Any person deprived of their liberty should be registered and should be able to communicate with the outside world as per the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) [standards](#). Immigration detention should only be a measure of last resort and for the shortest period possible, pending the enactment of a return procedure where deprivation of liberty is proven to be necessary as confirmed through the appropriate judicial oversight. Refugees should not be criminalised for crossing a border unauthorised, pursuant to Article 31 of the Convention related to the Status of Refugees. The Assembly invites the relevant Council of Europe bodies such as the CPT, the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) to pay particular attention to the impact which border management policies may have on their fields of expertise as regards missing migrants.

11. In line with [Recommendation CM/Rec\(2019\)4](#) of the Committee of Ministers to member States on supporting young refugees in transition to adulthood and its [Recommendation CM/Rec\(2019\)11](#) on effective guardianship for unaccompanied and separated children in the context of migration, the Assembly highlights the need for the systematic registration of unaccompanied children, for diligent search efforts when they go missing, and for a safe and child-sensitive referral to appropriate accommodation, educational facilities and, when applicable, to family reunification.

12. As regards reporting and search mechanisms, the Assembly firmly stresses the importance of ensuring that reporting and search processes are free from any considerations related to the administrative status or the criminal record of the person searched for.

13. In the event of a disaster involving a large group of persons, disaster victim identification teams should be deployed to ease a standardised cross-border process to identify victims. The Assembly recommends that member States identify possible areas where resources can be mutualised and shared on the most critical aspects of such cross-border co-operation. The International Criminal Police Organization (INTERPOL) may be of support in this endeavour.

14. The Assembly warns against the risks possibly induced by the centralisation of personal data and recalls the importance of informed consent being obtained by data subjects in the management of their personal information, and of identifying an adequate legal basis for such information management. Any such converging of information should only be performed with the guarantee of external oversight by independent data protection entities in the member States participating in such pooling of data.

15. As regards the identification and treatment of the bodies of the deceased, the Assembly underlines a critical need for additional resources to be allocated to forensic and coroners' services, including the need for sufficient space in the morgues pending autopsy, identification, burial or repatriation.

16. The Assembly recommends that prosecutors systematically authorise the investigation and autopsy of unidentified bodies to collect as much information as possible within the short period of time available including non-primary identifiers in line with international standards for the documentation and preservation of data. Data should be kept in dedicated storage accessible to law enforcement authorities.

17. In the case of potentially unlawful deaths, the Assembly encourages member States to make use of the available international standards for their reliable investigation, in particular the [Minnesota Protocol on the Investigation of Potentially Unlawful Death \(2016\) – The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions](#).

18. Member States should align their legislation with the legal standards allowing for the proper documentation of the deceased, as provided for in [Recommendation No. R\(99\)3](#) of the Committee of Ministers on the harmonisation of medico-legal autopsy rule, and enable the transfer of biometric data in the context of search and identification in full compliance with the Council of Europe [Convention for the Protection](#)

of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) as amended by Protocol CETS No. 223 ("Convention 108+"). It calls on member States to facilitate the exchange of forensic knowledge and resources to allow for identification within the short period of feasibility.

19. The Assembly acknowledges the role of the International Criminal Police Organization (INTERPOL) has a potential facilitator towards such harmonisation. It stresses the critical importance of ensuring an external oversight by data protection bodies in each country where such harmonisation and processing of personal data is envisaged.

20. As regards the possibility to centralise post-mortem and ante-mortem data, the highest standards of data protection should be ensured when making the effort to co-ordinate the fragmented datasets available, in line with Convention 108+ and the Minnesota Protocol. A clear distinction should be made between data intended for humanitarian searches and that used for other purposes.

21. The Assembly encourages those countries who have not yet done so to ratify Convention 108+ and to use this instrument in the context of missing and deceased migrants, in line with paragraph 30 of its explanatory report. It draws attention to instruments such as the standardised [Model Contractual Clauses for the Transfer of Personal Data from Controller to Controller](#) and the [Model Contractual Clauses for the Transfer of Personal Data from Controller to Processor](#) to transfer personal data to countries non-party to Convention 108+ and whose data protection legislation is inexistent or does not provide an appropriate level of protection.

22. The Assembly calls for increased exchanges between the national and regional authorities with responsibilities in the field of data protection, human rights and migration issues, in order to best co-ordinate between themselves and with international and United Nations organisations sharing recognised expertise on compilation, exchange and/or comparison of relevant information. Such organisations should include the International Commission on Missing Persons (ICMP), the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), INTERPOL, the International Organization for Migration (IOM), the United Nations Refugee Agency (UNHCR), the United Nations Special Rapporteur on the human rights of migrants, the United Nations Special Rapporteur on extrajudicial, arbitrary and summary executions, experts from the United Nations Committee on Enforced Disappearances and the United Nations Working Group on Enforced or Involuntary Disappearances. Wherever possible, discussions on these matters must provide for the inclusion of the voices of migrants, the families of those lost or deceased, and civil society.

23. The Assembly would welcome the Council of Europe being provided a meaningful role to ensure data protection conditions allowing for standardised processes and platforms to enable the matching of data coming from vetted data collectors and holders and to ensure interoperability. Such efforts may also lead to the establishment of a database.

24. The Assembly calls for regional co-operation between prosecutors across Europe on how best to identify and share data on missing migrants and unidentified bodies.

25. As a part of the above actions, the Assembly recommends that member States:

25.1. adopt a common definition, guided by the ICRC's standard definition whereby "a missing person is an individual about whom their family has no news and/or who, on the basis of reliable information, has been reported missing as a result of an international or non-international armed conflict, other situations of violence, disasters or any other situation that may require the intervention of a competent State authority including in the context of migration";

25.2. facilitate the issuance of relevant documents for families of the missing person (for example a certificate of absence), enabling them to gain access to various rights or to reunion or reunification procedures;

25.3. work together with the Red Cross and Red Crescent Movement and contribute to the co-ordination of the disaster victim identification procedures and to the sharing of information on INTERPOL databases designed to search for and identify missing persons;

25.4. appoint national focal points for missing migrants to serve as the designated point of contact for inquiries by other national authorities or their representatives in transnational co-ordination efforts; member States which have already appointed national focal points for missing migrants may share their experience in the framework of the Network of Focal Points on Migration coordinated by the Special Representative of the Secretary General of the Council of Europe on Migration and Refugees.

25.5. expediate short-term visa requests lodged by families of missing migrants, refugees and asylum seekers, in order to facilitate identification processes and provide support to families with regard to the procedures involved, including repatriations;

25.6. review their legislation with a view to improving and harmonising national processes to record and manage cases of missing migrants and unidentified human remains, including as regards gaps in the medico-legal framework and the issue of European and international data sharing in line with international norms and standards on data protection;

25.7. ensure that graves are individualised, clearly identifiable and permanently marked either nominally or numerically, with unique codes, and recorded, and that every effort is made to respect the religious and spiritual beliefs of the persons deceased when such are known, in line with the right to freedom of religion and belief as protected in Article 9 of the European Convention on Human Rights;

25.8. ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance.





## Resolution 2570 (2024)<sup>1</sup>

Provisional version

# The situation in Iran and the protection of Iranian human rights defenders in Council of Europe member States

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1678 \(2009\)](#) “Situation in Iran”, and reiterates its deep concern with regard to the human rights situation in the Islamic Republic of Iran and its foreign policy.
2. For more than two years, the Islamic Republic of Iran has been the scene of mass anti-government protests that have spread across the country following the death of Jina Mahsa Amini, a young woman who died in custody of Iran's “morality police” on 16 September 2022. Her death led to an unprecedented protest movement under the motto “Woman, Life, Freedom”, against the Islamic regime as a whole. Faced with an existential threat, the regime reacted with extreme brutality, using violence and torture, kidnappings and death sentences to silence the protesters’ legitimate demands.
3. The Assembly pays tribute to the women and men victims of the Iranian regime and expresses political support to, and solidarity with civil society groups and courageous Iranians who stand up against repression and mobilise to promote democracy, human rights and the rule of law in Iran.
4. Ever since the establishment of the “Islamic Republic” in 1979 the people of Iran have been denied basic human rights. Many opponents of the regime had to flee the country and were granted asylum and citizenship in Council of Europe member States. As a result, there are large Iranian communities in many European countries, which maintain relations with relatives and friends in Iran.
5. Many Iranians living in exile in Europe, and European citizens of Iranian origin or descent, are opposed to the regime in Iran and support the protest movement against it. They are often faced with threats, intimidation, violence, abductions by the Iranian State structures of repression operating abroad, and even fall victims of assassination attributable to them.
6. The persecution of dissenting civil society voices and human rights defenders both in Iran and abroad in particular in the Council of Europe member States, by the Iranian regime is a serious human rights **concern** and a threat to the security of European societies. The Assembly reaffirms its support for all human rights defenders under the jurisdiction of member States and refers to its [Resolution 2225 \(2018\)](#) “Protecting human rights defenders in Council of Europe member States” and its [Resolution 2554 \(2024\)](#) “Protecting women human rights defenders in Europe”. It further refers to its [Resolution 2509 \(2023\)](#) “Transnational repression as a growing threat to the rule of law and human rights”, as Iranian human rights defenders in Europe are also targeted. The Assembly invites its General Rapporteur on the situation of human rights defenders and whistleblowers to address the protection needs of Iranian human rights defenders in exile in Europe.
7. Iran is a direct neighbour of three Council of Europe member States: Armenia, Azerbaijan and Türkiye, and has a significant impact on regional stability and security in the South Caucasus.

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1. *Assembly debate* on 1 October 2024 (27th sitting) (see Doc. 16035, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Max Lucks; [Doc. 16048](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Mariia Mezentseva-Fedorenko). *Text adopted by the Assembly* on 1 October 2024 (27th sitting).



8. With its support to Hamas in Gaza, Hezbollah in Lebanon, the Houthis in Yemen, and the Assad regime in Syria, and its fierce stance against Israel and the denial of its right to exist, Iran is one of the most influential stakeholders, and a major actor contributing to the destabilisation of the Middle East.

9. As a provider of weapons to the Russian Federation, which are used to reinforce its war of aggression against Ukraine, and given its political rapprochement with that country both on bilateral and multilateral levels, as well as its strategic ambitions in the Mediterranean, Iran is a threat to European security.

10. The Assembly therefore believes that the situation in Iran and its domestic and foreign policy have a direct impact on, and pose a serious threat to, regional, European and global security.

11. European countries, however, have so far not designed a co-ordinated strategy to counter the Iranian policy to destabilise international order, and its subversive activities that threaten European democracies, including as regards the protection of Iranian communities in Europe.

12. The Assembly believes that the Council of Europe, as the key European institution protecting and promoting democracy, human rights and the rule of law, should play a significant role in guiding and supporting its member States when it comes to building up co-ordinated human rights-based relations with Iran.

13. The Assembly therefore calls upon governments and parliaments of member and observer States of the Council of Europe, as well as parliaments enjoying observer or partner for democracy status with the Assembly to raise awareness of the human rights situation in Iran and to consider, possibly in consultation with Iranian communities in Europe, ways to strengthen solidarity with, and support to Iranian civil society organisations, human rights defenders, and individuals who stand up to promote democracy, human rights and the rule of law in Iran and, *inter alia*, to:

13.1. send, at all levels, a stronger message of political support to and solidarity with Iranians standing up for democracy and human rights;

13.2. introduce and enforce targeted sanctions against Iran's power elite, namely individuals and companies linked to the regime;

13.3. ensure accountability under international law, by introducing targeted sanctions against, and initiating international legal prosecution of Iranian human rights violators, including those responsible for the pervasive institutional discrimination leading to the elimination of the rights of women and girls in Iran, and for the persecution of and discrimination against religious and ethnic minorities, as well as LGBTI persons;

13.4. ensure access to international protection for all those Iranians who manage to escape and cannot return to the country because of fear of persecution, including human rights defenders;

13.5. dispatch independent observers, including the staff of their embassies, to attend trials of protesters who are detained;

13.6. provide Iranian citizens with free internet access during the regime's blackout thereof during protests, and to facilitate access to internet via virtual private networks (VPNs);

13.7. promote international exchanges with Iranian civil society and its constituent women's **rights, youth**, student and labour movements and consider establishing a "Vienna process-type dialogue" with all relevant human rights interlocutors in Iran and abroad;

13.8. set up targeted assistance, such as support programmes, to ensure the safety of Iranian human rights defenders at risk, including early warning mechanisms;

13.9. protect Iranian human rights defenders in the Council of Europe member States from acts of intimidation, harassment and violence, and provide support to them as needed.

14. The Assembly urges the governments and other public authorities and relevant agencies of member States to introduce a coherent and co-ordinated policy to ensure the protection of and the respect for fundamental rights of Iranians who are citizens of, refugees in, or otherwise under the jurisdiction of Council of Europe member States, including double-nationals being held as hostages and used as instruments for pressure, against activities of Iranian special services. Security measures for the Iranian diaspora in Europe and Iranian human rights defenders in the Council of Europe member States, in particular the key opposition figures, must be improved, including in terms of digital and physical security; intelligence gathering on Iran's proxy groups must be strengthened.

15. The Assembly calls on the Council of Europe member States that are Parties to the Rome Statute of the International Criminal Court to consider proposing an amendment to the Statute aimed at including the crime of "gender apartheid", which is the institutionalisation of gender-based discrimination and exclusion of women and girls from all spheres of society, as well as "religious apartheid", which is the institutionalised discrimination and exclusion of individuals from all spheres of society based on their religious beliefs or ethno-religious identity.

16. The Assembly further calls upon governments and other relevant authorities of the Council of Europe member States to elaborate a coherent and co-ordinated policy vis-à-vis Iran that should be based on the following principles:

16.1. an active and comprehensive diplomatic engagement vis-à-vis Iran should not be limited to the nuclear deal and address all issues in a broad and comprehensive manner, the human rights situation must be made a central topic of discussion;

16.2. an option of downgrading diplomatic and trade relations should be on the table;

16.3. an active feminist foreign policy in relation to Iran, to make the situation of women and girls in Iran a foreign policy priority, which can provide an enabling framework to support Iranian women's rights defenders;

16.4. Europe should develop its own deterrence capacity and be ready to impose costs;

16.5. sanctions should be imposed and enforced to specifically target Iran's power elite;

16.6. in case of renewal of the nuclear deal, advantages and the collateral damage should be considered;

16.7. an active transatlantic co-ordination is needed;

16.8. there should be no diplomatic deals which are harmful to civil society;

16.9. engagement with Iranian citizens should be strengthened;

16.10. dialogue with civil society groups should be developed as well as efforts to overcome the fragmentation of opposition, possibly by facilitating the setting-up of a co-ordination platform for Iranian opposition abroad;

16.11. a joint strategy should be established among the member and observer States of the Council of Europe to push for the release of citizens held as hostages;

16.12. opposition and democratic forces from Iran should be brought together and their voices made heard;

16.13. a mechanism to investigate and register alleged human rights violations in Iran should be established as a complementary tool to the fact-finding mission of the United Nations Human Rights Council;

16.14. the option to qualify Islamic Revolutionary Guard Corps, and possibly other entities, as terrorist organisations should be considered.





## Resolution 2571 (2024)<sup>1</sup>

Provisional version

# The detention and conviction of Julian Assange and their chilling effects on human rights

Parliamentary Assembly

1. The Parliamentary Assembly recalls the importance of a free press, whose role of a “public watchdog” ensures the proper functioning of a democratic State governed by the rule of law. This role is particularly relevant in light of the seriousness of ongoing armed conflicts and the increasing number and gravity of acts of transnational repression. In this context, the harsh treatment of Julian Assange, who was recently released from custody after more than a decade of prosecution for his journalistic work, merits particular attention.
2. Julian Assange and WikiLeaks rose to international prominence after the release of the “Collateral Murder” video in 2010 – a classified recording depicting the killing of civilians, including journalists, by United States (US) military forces in Iraq. In the following months, WikiLeaks published scores of other classified US material, disclosed by a whistle-blower, Chelsea Manning. Much of the leaked material, including the “Collateral Murder” video, provided credible evidence of war crimes, human rights violations, and governmental misconduct.
3. WikiLeaks’ publications also confirmed the existence of secret detention sites, abductions and illegal transfer of prisoners conducted by the United States of America within Europe, which were first reported by the Assembly in 2006 and 2007. In [Resolution 1838 \(2011\)](#) “Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations”, the Assembly welcomed WikiLeaks’ release of numerous diplomatic reports confirming the Assembly’s findings while noting that “in some countries, in particular the United States, the notion of State secrecy is used to shield agents of the executive from prosecution for crimes such as abduction and torture, or to stop victims from suing for compensation”.
4. Shortly after WikiLeaks’ initial publications of classified material, Julian Assange became a person of interest in a criminal investigation in Sweden, concerning alleged sexual misconduct. Following his lawful departure from Sweden, he was arrested in London under a European Arrest Warrant issued by the Swedish judicial authorities. He was released shortly after that to house arrest, having been granted bail pending the outcome of his surrender proceedings. The house arrest continued for some 550 days. Eventually, the United Kingdom Supreme Court refused Mr Assange’s appeal against an extradition order granted by the United Kingdom Home Secretary. In fear of being extradited from Sweden onwards to the United States, where he could have faced a *de facto* life sentence, Mr Assange violated bail conditions and sought diplomatic asylum in the Ecuadorian Embassy in London. He has never been charged with any crime in Sweden, and the investigation into his alleged transgressions was finally discontinued in 2019. In its 2015 opinion on the detention of Julian Assange, the United Nations Working Group on Arbitrary Detention criticised the Swedish prosecuting authorities for their lack of diligence and respect for Mr Assange’s procedural rights.

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1. *Assembly debate* on 2 October 2024 (28th sitting) (see [Doc. 16040](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Thórhildur Sunna Ævarsdóttir). *Text adopted by the Assembly* on 2 October 2024 (28th sitting).



5. Mr Assange was expelled from the Ecuadorian Embassy in April 2019, arrested and remanded in the high-security Belmarsh prison in London, where he initially served a sentence for violating bail conditions and then awaited the decision on his possible extradition to the United States. In the course of the judicial proceedings, Mr Assange consistently argued that his extradition would risk violating Articles 3 and 10 of the European Convention on Human Rights (ETS No. 5).

6. Even though there is no denying that Julian Assange and WikiLeaks helped uncover matters of utmost public interest, Julian Assange has faced immense backlash in the United States. Nevertheless, under the Obama administration, the US Department of Justice decided against prosecuting him, believing that indicting Mr Assange could not be reconciled with freedom of expression, protected under the First Amendment and could negatively affect media freedom by establishing a dangerous precedent. Chelsea Manning was sentenced to 35 years' imprisonment for revealing classified documents to WikiLeaks, serving several years in prison before her sentence was commuted by President Obama.

7. Following the election of Donald Trump and the release of further classified materials by WikiLeaks, including the so-called "Vault 7" revelations, disclosing the Central Intelligence Agency's (CIA) software exploitation capabilities, the Department of Justice reversed its previous decision and decided to prosecute Julian Assange. Initial proceedings against him focused on charges of computer hacking. In 2019, he was also indicted under the US Espionage Act of 1917, making him the first ever publisher to be prosecuted under this legislation for disclosing classified information obtained from a whistle-blower. In total, he was indicted on 17 counts under the US Espionage Act. Had he been convicted on all of them, Mr Assange would have faced up to 175 years' imprisonment.

8. Julian Assange was released from Belmarsh Prison on 24 June 2024 pursuant to a plea agreement with the US Department of Justice, after five years' and two months' imprisonment. On 26 June 2024, he appeared before a US federal court in Saipan. He pleaded guilty to a single conspiracy charge to obtain documents, writings, and notes connected with national defence and wilfully communicating documents relating to the national defence from a person having both lawful and unauthorised possession of same, violating the US Espionage Act. He was sentenced to time served and allowed to return to his native Australia.

9. The Assembly notes that the plea agreement states that "[a]s of the date of the Plea Agreement, the United States has not identified any victim qualifying for individual restitution and, thus, is not requesting an order of restitution". This essential factor must be considered when assessing the proportionality of measures employed against Mr Assange in response to his (and WikiLeaks') publications.

10. The Assembly warmly welcomes the release of Mr Assange and his being reunited with his family. Nevertheless, it is deeply concerned that the disproportionately harsh treatment of Julian Assange, in particular his unprecedented conviction under the Espionage Act, creates a dangerous chilling effect and a climate of self-censorship affecting all journalists, publishers and others reporting matters essential for the functioning of a democratic society. Moreover, it severely undermines the role of the press and the protection of journalists and whistle-blowers around the world.

11. The Assembly is equally alarmed by reports that the CIA was covertly surveying Mr Assange in the Ecuadorian Embassy in London and was allegedly developing plans to poison or even assassinate him on United Kingdom soil. It reiterates its condemnation of all forms and practices of transnational repression.

12. The Assembly is deeply concerned by the fact that despite many documents and recordings revealed by Mr Assange and WikiLeaks, providing credible evidence of war crimes and human rights violations committed by US State agents, there is no publicly available information on anyone being held to account for these atrocities. The failure of the competent US authorities to prosecute the alleged perpetrators, combined with the harsh treatment of Mr Assange and Ms Manning, creates a perception that the United States Government's purpose in prosecuting Mr Assange was to hide wrongdoings of State agents rather than to protect national security.

13. The Assembly recognises the legitimacy of measures aimed at ensuring the adequate protection of secrets affecting national security. It reiterates its position, however, that information concerning the responsibility of State agents who have committed war crimes or serious human rights violations, such as murder, enforced disappearance, torture, or abduction, does not deserve to be protected as secret. Such information should not be shielded from public scrutiny or judicial accountability under the guise of "State secrecy".

14. The Assembly notes that State security and intelligence services, which unquestionably perform an important task, cannot be exempted from accountability for any unlawful actions. Creating a culture of impunity undermines the foundations of democratic institutions and risks provoking further abuses.

15. One of the arguments used to justify the disproportionately harsh treatment of Julian Assange and WikiLeaks was that the release of unredacted materials put the lives and safety of individuals at risk. While the Assembly agrees that any disclosures of classified information should be made in such a way as to respect the personal safety of informers, intelligence sources, and secret service personnel, the case of Mr Assange should not be assessed *in abstracto*. Over 13 years since the publications, no evidence has been produced showing that WikiLeaks' publications have harmed anyone, as recently confirmed by the Plea Agreement. The Assembly regrets that, although Mr Assange revealed thousands of confirmed and previously unreported deaths at the hands of US and coalition forces in Iraq and Afghanistan, he was the one to be accused of putting lives at risk.

16. Democratic societies can not thrive without the free flow of information and their citizens' ability to hold their governments accountable. The Assembly reiterates its strong support for freedom of expression and information as a fundamental right guaranteed by Article 10 of the European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights and encourages the Council of Europe member States to work tirelessly to strengthen their protection of free speech and a free press.

17. The Assembly considers the length of detention of Julian Assange in Belmarsh prison and his conviction under the Espionage Act to be out of proportion in relation to his alleged offence. The Assembly recalls that news gathering is an essential preparatory step in journalism, and is protected by the right to freedom of expression as recognised by the European Court of Human Rights. It observes that Mr Assange was punished for engaging in activities that journalists perform on a daily basis: they **elicit and** receive leaked information from their sources and publish it where it provides credible evidence of wrongdoing.

18. The Assembly recalls that the United Nations Working Group on Arbitrary Detention considered that Mr Assange was arbitrarily detained by the governments of Sweden and the United Kingdom. It further recalls that the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr Nils Melzer, concluded that Mr Assange had been exposed to "progressively severe forms of cruel, inhuman or degrading treatment or punishment, the cumulative effects of which can only be described as psychological torture". The Assembly finds it concerning that the authorities of the United Kingdom appear to have ignored these opinions, further aggravating Mr Assange's situation.

19. The Assembly considers that the disproportionately severe charges brought by the United States of America against Julian Assange under the Espionage Act, exposing him to a risk of *de facto* life imprisonment, combined with his conviction and sentencing under the Espionage Act for – what was in essence – news-gathering and publishing, fulfil the criteria set out in Resolution 1900 (2012) "The definition of political prisoner" and warrant the designation of Mr Assange as a political prisoner.

20. The Assembly also regrets that the authorities of the United Kingdom failed to effectively protect Mr Assange's freedom of expression and right to liberty, exposing him to lengthy detention in a high-security prison despite the political nature of the most severe charges against him. His detention with a view to extradition far exceeded the reasonable length acceptable for that purpose. The Assembly regrets that the Extradition Act of 2003 removed the political offence exemption from United Kingdom extradition law, exposing dissidents and opposition members to the risk of being extradited to States prosecuting them on political grounds.

21. The Assembly considers that the misuse of the 1917 Espionage Act by the United States to prosecute Julian Assange has caused a dangerous chilling effect, dissuading publishers, journalists and whistle-blowers from reporting on governmental misconduct, thus severely undermining freedom of expression and opening room for further abuse by State authorities. To this end, the Assembly calls on the United States of America – a State having the observer status with the Council of Europe – to:

21.1. urgently reform the 1917 Espionage Act and make its application conditional on the presence of a malicious intent to harm the national security of the United States or to aid a foreign power;

21.2. exclude the application of the Espionage Act to publishers, journalists and whistle-blowers who disclose classified information with the intent to raise public awareness and inform on serious crimes, such as murder, torture, corruption, or illegal surveillance.

22. The Assembly further calls on the United States of America to:
  - 22.1. conduct thorough, impartial, and transparent investigations into alleged war crimes and human rights violations disclosed by WikiLeaks and Mr Assange, holding those responsible to account and tackling a culture of impunity towards State agents or those acting at their behest;
  - 22.2. co-operate in good faith with the Spanish judicial authorities to clarify all facts of the alleged unlawful surveillance of Mr Assange and his interlocutors in the Ecuadorian Embassy in London.
23. The Assembly calls on the United Kingdom to:
  - 23.1. urgently review its extradition laws in order to prevent the possibility of extraditing individuals wanted for offences of political nature;
  - 23.2. conduct, having regard to the conclusions of the United Nations Special Rapporteur Nils Melzer, an independent review of the treatment of Julian Assange by the relevant authorities with a view to establishing whether he has been exposed to torture or inhuman or degrading treatment or punishment, pursuant to their international obligations.
24. The Assembly calls on the Council of Europe member and observer States to:
  - 24.1. provide adequate protection, including asylum, to whistle-blowers who expose unlawful activities of their governments and, for those reasons, are threatened with retaliation in their home States, provided their disclosures qualify for protection under the principles advocated by the Assembly, in particular, the defence of the public interest;
  - 24.2. refrain from extraditing individuals for charges related to journalistic activities, in particular when these charges appear grossly disproportionate to the alleged offence;
  - 24.3. continue to improve the protection of whistle-blowers and effectiveness of whistle-blowing procedures;
  - 24.4. review their shield laws and ensure that journalists are effectively protected from being forced to reveal their sources;
  - 24.5. increase government transparency by reducing the scope of information that can be classified as secret and encourage the spontaneous release of information not critical to national security;
  - 24.6. implement strict guidelines and relevant oversight mechanisms to prevent the overclassification of government documents as secret, where their contents do not warrant this.
25. The Assembly also urges media organisations to establish robust protocols for handling and verifying classified information to ensure responsible reporting, thus avoiding any risk for national security and the safety of informers and sources.





## Resolution 2572 (2024)<sup>1</sup>

Provisional version

# Request for waiver of the immunity of Mr Marcin Romanowski

Parliamentary Assembly

1. Parliamentary immunity, in its two forms – non-liability and inviolability –, is a democratic safeguard, born of the need to preserve the integrity of parliaments, including in their operation and their acts, and to protect their members' independence in the performance of their duties.
2. In addition, and quite apart from the national immunities they may enjoy, members of the Parliamentary Assembly of the Council of Europe are covered by special rules on immunity at European level, laid down by the General Agreement on Privileges and Immunities of the Council of Europe of 1949 and its additional Protocol of 1952 (ETS Nos. 2 and 10). These rules establish the same twofold principle of parliamentary non-liability (article 14) and inviolability (article 15) and provide in addition for the free movement of Assembly members within the territory of the member States.
3. Immunity is not accorded for the personal benefit of the individual Assembly member, but in order to guarantee the independence and integrity of the Parliamentary Assembly as a whole and of its members in the exercise of their functions.
4. There are two exceptions to the parliamentary inviolability of a member of the Assembly: *flagrante delicto* and waiver. In particular, the parliamentary immunity must be waived before one of its member's freedom may be restricted; the Assembly alone is able to waive the immunity of a member.
5. The Assembly's Rules of Procedure specify the procedure to be followed to waive the inviolability of a member of the Parliamentary Assembly following a request by a competent national authority, as well as the role of the President in defending the immunity of a member of the Assembly who has been arrested or deprived of freedom of movement in the absence of *flagrante delicto* or prior waiver by the Assembly.
6. On 29 September 2024, the President of the Assembly received a request for waiver of the immunity of Mr Marcin Romanowski from the Public Prosecutor General and Minister of Justice of the Republic of Poland. According to the relevant Rules of Procedure, the President subsequently announced it in a plenary sitting on 30 September 2024 and the Committee on Rules of Procedure, Immunities and Institutional Affairs immediately considered this request.
7. The Assembly regrets that Mr Romanowski did not avail himself of the opportunity offered to him to be heard by the Committee on Rules of Procedure, Immunities and Institutional Affairs or to be represented by any member of the Assembly.
8. At the outset, the Assembly observes that the alleged offences do not concern opinions expressed or votes cast by Mr Marcin Romanowski in the exercise of his functions as a member of the Parliamentary Assembly. The request for waiver of immunity concerns facts which relate to activities of a local nature prior to the acquisition of the status of, and consequently immunity as, a member of the Parliamentary Assembly.
9. In conformity with the Rules, the committee did not make any examination of the merits of the case in question, nor did it pronounce itself on the guilt or otherwise of the member concerned.

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1. *Assembly debate* on 2 October 2024 (29th sitting) (see [Doc. 16053](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Heike Engelhardt). *Text adopted by the Assembly* on 2 October 2024 (29th sitting).



10. When considering a request to waive the inviolability, the Assembly has to consider the following elements: whether the legal proceedings initiated against the member jeopardize the proper functioning of the Parliamentary Assembly, and whether the request is serious, namely it should not be inspired by reasons other than that of dispensing justice.

11. In the present case, the Assembly considers that, in the light of the current tasks of Mr Romanowski, his prosecution, possible arrest and detention would not as such affect the proper functioning of the Assembly.

12. Further, in the light of the material before it, the Assembly considers that there are no sufficient reasons to doubt the genuine intention of the prosecution against Mr Marcin Romanowski as aiming solely at the proper administration of justice. The request is therefore “serious”.

13. Having regard to the above considerations and without any prejudice as to the merits of the case, the Assembly decides to waive the immunity of Mr Marcin Romanowski to allow justice to be administered. It expects the Polish authorities to ensure that such administration of justice be fair and impartial, in full respect of the national law and the guarantees provided by the European Convention of Human Rights (ETS No. 5).

14. It instructs its President to forward this decision and the report of the Committee on Rules of Procedure, Immunities and Institutional Affairs immediately to the competent authorities of the Republic of Poland and to Mr Marcin Romanowski.



## Resolution 2573 (2024)<sup>1</sup>

Provisional version

# Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine

Parliamentary Assembly

1. Underlining its unwavering support to Ukraine for ensuring decisive victory over the Russian Federation following the full-scale military aggression of 24 February 2022 against Ukraine unleashed by the Russian Federation, the Parliamentary Assembly reiterates its condemnation of the situation related to the fate of Ukrainian prisoners of war, as well as foreign nationals fighting for Ukraine, and civilians held in Russian captivity and will remain involved until the last captive is released, in line with President Zelensky's 10-point peace plan aimed at victory and just peace, of which point 4 relates to the release of all prisoners and deportees.

2. The figures speak for themselves. The Assembly is appalled that as of 18 September 2024, a total of 65 956 servicemen and civilians were registered as missing or captured, among which 50 916 registered as missing based on verified data. In reality, the number of victims is much higher. The suffering and fear are endured not only by the captives themselves, be they servicemen or civilians, but also by their relatives. While 3 672 persons have been returned from Russian captivity between 24 February 2022 and 17 September 2024, including 168 Ukrainian civilians, the Assembly notes with concern that among those released, a third of them had been hitherto considered as missing, since the Russian Federation had failed to provide timely information about their fate, contrary to its international obligations.

3. With this resolution, the Assembly wishes to be the voice of the prisoners of war and civilian captives held in the Russian Federation or in the temporarily occupied territories of Ukraine, and of their families, so that their suffering remains high on the international political agenda of all Council of Europe member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly. The issue of missing persons is a humanitarian problem with human rights and international humanitarian law implications. The Assembly emphasises that the parties to an armed conflict bear primary responsibility for preventing enforced disappearance, clarifying the fate of missing persons and ensuring timely and effective investigation. Therefore, the Assembly calls for the adequate treatment of these persons in line with international humanitarian law and human rights standards, their prompt release, their socio-medical rehabilitation, and for the accountability of the Russian Federation and the perpetrators of war crimes committed against these persons.

4. The Ukrainian people have faced immeasurable tragedies since the full-scale military aggression by the Russian Federation. One example is particularly resonant for this resolution: namely the mass murder and maiming of Ukrainian prisoners in the former Penal Colony No. 120 in Olenivka in the Donetsk region, on 28-29 July 2022. To date, this atrocity remains unpunished, and the wounded defenders are still held in captivity. No independent investigation has been carried out, since the UN fact-finding mission was disbanded on 5 January 2023 "due to the lack of conditions necessary for the deployment of the mission on the ground".

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1. *Assembly debate* on 2 October 2024 (29th sitting) (see [Doc. 16050](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Mariia Mezentsseva-Fedorenko). *Text adopted by the Assembly* on 2 October 2024 (29th sitting).

See also [Recommendation 2285 \(2024\)](#).



However, the Assembly welcomes the publication on 29 July 2024 by the Office of the Prosecutor General of Ukraine of the results of the criminal investigation into the Olenivka prisoners of war massacre. According to this investigation, 49 dead servicemen have so far been identified out of 193 present in the barracks at the time of the attack. At least 41 people were killed on the spot, another 9 died of their injuries due to a lack of medical assistance, and nearly 150 were injured. Charges have been brought against the Head of the so-called Volnovakha Penal Colony and his first deputy for their deliberate failure to provide timely medical care in contradiction with the laws and customs of warfare. Although the Russian Federation has attempted to destroy and hide the traces of the crime, the UN High Commissioner for Human Rights has refuted its claim that the Olenivka colony was shelled by the Ukrainian military and has called on the Russian Federation to investigate and bring to justice those responsible for the deaths and injuries amongst these prisoners of war. So far, no response has been given to this call, but here and elsewhere, the Assembly stresses once more that justice must and will prevail.

5. The Assembly notes with great concern that in too many instances, prisoners of war and civilian captives in the hands of the Russian Federation are effectively missing persons, as their relatives have no way of obtaining information about their fate or whereabouts except in those cases where such persons have been notified through the International Committee of the Red Cross (ICRC) or are subject to criminal proceedings in the Russian Federation and in the temporarily occupied territories of Ukraine. In this respect, it underlines the vital necessity for the ICRC to be given the possibility to carry out the role foreseen in its mandate, including *inter alia* regular visits to prisoners of war or civilians (whether detained for criminal proceedings or on security grounds), in accordance with the requirements of international humanitarian law.

6. International attention has not been sufficiently given to the topic of Ukrainian prisoners of war and civilian captives, despite the massive violations of international humanitarian law and international human rights law involved. The Assembly recalls that international humanitarian law prohibits the seizure and captivity of civilians as hostages, which is what is in reality being practised against Ukrainian civilians by the Russian Federation. The Assembly wishes to draw greater attention to this topic, calling on Council of Europe member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly to spare no efforts to ensure the release of all Ukrainians prisoners of war and civilians from Russian captivity and accountability for those responsible for any crimes and violations of international humanitarian law and international human rights law committed against these persons. The Assembly stands ready to help ensure that justice prevails.

7. Recalling that the multiple human rights violations against prisoners of war and civilians held in Russian captivity have been flagged by the Assembly before, notably in [Resolution 2562 \(2024\)](#), the work carried out since April 2022 on the legal and human rights aspects of the Russian Federation's aggression against Ukraine, as well as the ongoing work regarding the need to step up the efforts to liberate Ukrainian journalists held in captivity ([Doc. 16020](#)), the motion for a resolution entitled "Protecting civilians: urgent action to save civilians in Russian captivity" ([Doc. 16029](#)) and the motion for a resolution entitled "Support for political negotiations to enforce exchange and release of prisoners of war" ([Doc. 16021](#)), the Assembly calls for a new momentum to put more pressure on the Russian Federation in order to ensure the release of these prisoners and captives.

8. While welcoming the return from captivity of more than 3 520 servicemen of the Armed Forces of Ukraine, the Assembly notes with great concern that the Department for Combating Crimes Committed in Armed Conflict of the Office of the Prosecutor General of Ukraine has identified 49 permanent detention sites for Ukrainian prisoners of war on the territory of the Russian Federation and 16 sites in the temporarily occupied territories of Ukraine, as well as 6 detention sites for Ukrainian civilians, and that more than 6 000 soldiers are still being held captive.

9. The Assembly is appalled by the findings of international mechanisms, which provide evidence on the systematic use of torture against Ukrainian prisoners of war and civilian captives. In addition to insufficient and substandard food and the denial of adequate medical support, reported ill-treatment includes systematic beatings, the use of electric shocks, and rape. Unhygienic conditions of detention, overcrowding, humiliation, unnecessary strict regime, verbal abuse were also reported.

10. The Assembly takes note of the conclusion of the United Nations Independent International Commission of Inquiry on Ukraine that acts of torture are being perpetrated by the Russian armed forces in the temporarily occupied territories of Ukraine, and by members of special units and regular personnel of the Federal Penitentiary Service of the Russian Federation, in the Russian Federation. These allegations of torture, ill-treatment and enforced disappearance have also been depicted by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. In addition, interrogations are being led by members of the Federal Security Service of the Russian Federation. The

Assembly is appalled that there seems to be no trace of the Russian Federation's membership to the Council of Europe for over two decades, during which the Organisation's standards and values should have been used and widely disseminated as a stable and enduring foundation ensuring that the authorities and their staff at all levels, including the penitentiary services, carry out their duties on every occasion in the full respect of human rights and human dignity. The Assembly urges the Russian authorities and their personnel to be mindful of and be guided by international standards of human rights and human dignity in their treatment of prisoners of war and civilians in Russian captivity. The Assembly underlines the necessity to bring to account all perpetrators, in particular commanders and other superiors, and those ordering, soliciting or inducing the commission of international crimes and other violations of international human rights and international humanitarian law.

11. There is no doubt that the treatment inflicted upon Ukrainian prisoners of war and civilians amounts to torture, prohibited by the International Covenant on Civil and Political Rights (ICCPR), as defined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and as established by the case law of the European Court of Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), both instruments to which the Russian Federation is still a Party. These practices could also amount to war crimes of torture and inhuman treatment as well as wilfully causing great suffering or serious injury to body or health under the Geneva Conventions.

12. The Assembly notes with concern that neither Ukraine, nor the United Nations or any other international organisation, such as the ICRC, holds full and precise information on how many Ukrainian citizens have died in Russian captivity. Not only is access to prisoners of war and civilian captives frequently denied by the Russian authorities, contrary to international humanitarian law, but the Russian Federation has so far failed to confirm the identity and location of prisoners of war and civilians detained or imprisoned in connection with the ongoing armed conflict. As a consequence, these unaccounted persons cannot but be considered as "missing persons".

13. Moreover, the Assembly is appalled that a number of criminal proceedings have been launched in the Russian Federation against prisoners of war and civilians, often grouped together. The charges brought against them are of various nature – murder, membership of a terrorist organisation, threats to national security etc. – and are sometimes cumulative. For example a single person has been charged under 21 articles of the Criminal Code of the Russian Federation. The Assembly recalls that in accordance with international humanitarian law, combatants may not be prosecuted for merely belonging to armed forces and taking part in hostilities, while the criminal prosecution of prisoners of war must take place in line with the relevant provision of Geneva Convention III and Additional Protocol I as well as the ICCPR. While calling thus for such charges to be dropped, the Assembly also insists on the urgent need to ensure full access to legal defence in and access for international monitors in court rooms, securing procedural safeguards and judicial guarantees, as well as the right to a fair and regular trial. The Ukrainian civilians detained for the purposes of criminal prosecution or imprisoned in connection with the ongoing war of aggression of the Russian Federation against Ukraine shall benefit from the relevant rights and safeguards in line with Geneva Convention IV and Additional Protocol I as well as the ICCPR.

14. Moreover, the Assembly recalls that international humanitarian law and international human rights law contain rules and standards applicable in situations where persons have gone missing including in terms of clarifying their fate and whereabouts, and requiring States to comply with certain obligations relating to the rights of the relatives of missing persons and of the deceased, namely the obligation to secure the right to life and the right to human dignity, to prohibit torture, cruel, inhuman or degrading treatment or punishment, and enforced disappearances, to ensure the right to private and family life and the right to an effective remedy.

15. The right to liberty and security under Article 9 of the ICCPR entails an obligation to account for the whereabouts of all persons when there is an arguable claim that they have been taken into custody and have not been seen since. As a result, regardless of the fact that it is not a Party to the International Convention for the Protection of All Persons from Enforced Disappearance, the Assembly urges the Russian Federation to provide the ICRC and relevant UN mechanisms, including Special Procedures, with access to the places where Ukrainian prisoners of war and civilians are held, in line with international humanitarian law and international human rights law, and to be guided by the principles contained in the Convention. The Assembly recalls that enforced disappearance of persons violates not only numerous rights protected by the ICCPR, to which the Russian Federation is a Party, but also a wide range of customary rules of international humanitarian law. This practice may also constitute a crime against humanity, when committed as part of a widespread or systematic attack against the civilian population.

16. The Assembly has learned with great concern that there are cases of forced labour in the temporarily occupied territories of Ukraine, although only few direct witnesses are still alive to bear testimony, since many have died when being forced into demining operations. Recalling its recent Resolution (2564) “Post-conflict time: defusing ticking time bombs for a safe return of displaced populations”, the Assembly strongly condemns the use of forced labour of prisoners of war or civilian captives, in particular in dangerous zones, where they all too often fall victim to landmines and unexploded ordnance explosions.

17. Given the overall situation of a clear lack of respect for the basic rights under international humanitarian law of Ukrainian prisoners of war and civilians held in captivity in the Russian Federation or in the temporarily occupied territories of Ukraine, the Assembly highlights the need to strengthen the existing international mechanisms to both scrutinise and report on the various manifestations of breaches of such law by the Russian Federation. The Assembly calls upon the Russian Federation to fully respect the rules and customs of war which it has committed to under international humanitarian law, breaches of which constitute crimes for which the perpetrators will be held accountable.

18. The Assembly strongly deplores that the Russian Federation is not providing full access to Ukrainian prisoners of war and civilians, contrary to the requirements of the Geneva Conventions III and IV and Additional Protocol I. Regarding prisoners of war, the Assembly considers it crucial that the ICRC gains immediate and unimpeded access to all places of detention, in accordance with the terms and powers of its mandate. It calls upon the Russian Federation to fully respect this right to access for the ICRC and asks the international community to support and encourage the fulfilment of this mandate.

19. Recalling the very essence of the ICRC’s mission, i.e. to ensure respect for international humanitarian law and other fundamental rules, and underlying the repeated violations of international humanitarian law and international human rights law by the Russian Federation, the Assembly calls the ICRC to consider making an exception to its confidentiality approach by publicly providing information on the issues it is facing in gaining full access to Ukrainian prisoners of war, if this would not go against the interests of the prisoners of war themselves.

20. The Assembly recognises the scope of the mandate of the ICRC and the possible constraints this may impose. In this respect, the Assembly welcomes the dialogue it has engaged with the ICRC on the topic of forcibly displaced Ukrainians (particularly children), prisoners of war and civilian captives, and hopes to further develop such dialogue in order to support and work with the ICRC in fulfilling its mandate and ensuring the safe return to Ukraine of its people.

21. The Assembly considers that the publication of disaggregated data in ICRC reports would provide more transparent information on the places where prisoners of war are held, since it is currently impossible in these reports to distinguish between different types of visits, namely between Russian or Ukrainian prisoners of war. Thus, while it is clear that the ICRC has been granted access to Ukrainian places of detention for Russian prisoners of war, it is less obvious to determine the extent to which such access has in reality been granted in the Russian Federation or the temporarily occupied territories of Ukraine where prisoners of war are held.

22. The Assembly notes the role played by the intervention of third parties in exchanges of prisoners of war (including captive Ukrainian civilians in some cases). While welcoming all such exchanges, the Assembly would encourage the establishment of a more permanent mechanism for the exchange or the release of Ukrainian prisoners of war and civilian captives in the Russian Federation or in the temporarily occupied territories of Ukraine, with the active involvement of the ICRC and other relevant stakeholders which could influence positively the outcome. In this respect, the Assembly supports the idea of an “all for all” exchange, that is, a comprehensive swap that would involve both parties exchanging all captured individuals, without leaving anyone behind. Indeed, such an approach could be a means to build up mutual confidence in this matter, as it would address humanitarian concerns and alleviate the families affected by the conflict.

23. Recalling [Resolution 2482 \(2023\)](#) on “Legal and human rights aspects of the Russian Federation’s aggression against Ukraine”, the Assembly welcomes the fact that a number of countries have already exercised universal jurisdiction in cases related to the war of aggression against Ukraine, regardless of where the alleged crime was committed and irrespective of the accused’s nationality, country of residence, or any other connection to the prosecuting entity. It urges Council of Europe member States and other States to make use of the principle of universal jurisdiction according to their national legislation to investigate and prosecute alleged crimes committed in relation to the deprivation of liberty, treatment and prosecution of Ukrainian prisoners of war and civilian captives. The Assembly also calls for increased support for and participation in the activities of the Joint Investigation Team “Ukraine case” based at Eurojust and the investigation conducted by the Office of the Prosecutor of the International Criminal Court.

24. The Assembly is convinced that Interpol could play an effective role in the search for war criminals who committed crimes against Ukraine and Ukrainians. It calls on other international organisations and all States to facilitate the search for and prosecution of war criminals, using not only criminal law but also administrative measures, such as expulsion from third countries.

25. The United Nations and the Moscow mechanism of the Organization for Security and Co-operation in Europe (OSCE) have found that torture used by the Russian authorities in the Russian Federation and in the temporarily occupied territories of Ukraine has been widespread and systematic, in particular as regards the horrific treatment of Ukrainian prisoners of war and civilians held in detention facilities in the Russian Federation. As prisoners of war and civilian captives are released and returned, it is crucial that appropriate rehabilitation programmes are made available, in collaboration with the authorities and civil society organisations already working in this field, and with adequate financial and expert resources to provide the long-term comprehensive support needed. The Assembly believes that a dedicated programme will be necessary, with sufficient funding allocated, which can cater to the complex medical, psychological and social rehabilitation needs of released persons. The Council of Europe and its member States could play an important role in providing both expertise and financial support to such an initiative, to which frozen assets of the Russian Federation might also be dedicated.

26. The Assembly welcomes the establishment of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (the Register), a significant international effort and the first step towards a mechanism that will ensure justice and compensation for Ukraine and its people, which aims to create a factual and evidentiary basis for reparations for the Russian Federation's violations of international law. Acknowledging that war crimes often go unpunished without adequate documentation, the Assembly believes that each claim submitted to the Register will demonstrate the human cost of the war and that submitting a claim signals a step toward personal justice, acknowledgment, and recognition of the harm done, even before any reparative measures are in place. The Assembly strongly encourages the submission of claims so that the Register acts as an archive for future generations, ensuring that the experiences of prisoners of war and their families are preserved in history. Moreover, it strongly believes that submitting claims to the Register is essential for ensuring justice, compensation and accountability. Moreover, the Assembly considers the Register as an important tool to empower victims and their families to have a voice in shaping the post-war legal and humanitarian landscape, holding the aggressors accountable, and seeking rightful reparations. The Assembly, thus, calls all Council of Europe member States as well as observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly which have not yet done so, to join the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine.

27. Deploing that 30 Ukrainian civilian journalists and media workers remain unlawfully detained in appalling conditions by the Russian Federation, the Assembly welcomes the release of Crimean Tatars together with prisoners of war and civilians from Russian captivity on 28 June 2024. The Assembly recalls that although the illegal Russian detentions started back in 2014, many of those abducted have been captured after the beginning of the full-scale war in 2022. The Assembly underlines that the situation in the temporarily occupied Crimea remains particularly difficult, and urges its members to engage their governments, civil society, and media networks to raise awareness of the plight of Ukrainian journalists. The Assembly also calls for sustained international pressure on the Russian Federation to release the detained journalists and to provide immediate access for independent international bodies to inspect the conditions in which these journalists are held. Here too, the international community must insist on transparency and accountability to protect the human dignity and rights of those unlawfully imprisoned.

28. The Assembly wishes to mark its appreciation for the work carried out by the Ukrainian authorities, including the President's Office, the Co-ordination Headquarters for the Treatment of Prisoners of War, the Office of the Prosecutor General of Ukraine, the Security Service of Ukraine, the Ministry of Internal Affairs, in particular the Office for Missing Persons in Special Circumstances (Secretariat of the Commissioner for Missing Persons in Special Circumstances), the State Border Guard Service of Ukraine and the Ombudsman of Ukraine, who work together and spare no efforts in ensuring the release of prisoners of war and civilians in Russian captivity and in clarifying the fate of missing persons.

29. Acknowledging the role civil society organisations play in supporting the families of prisoners of war and civilian captives, the Assembly recommends that co-operation be increased with them. Such co-operation would entail providing them with financial support, sharing best practices, and promoting advocacy efforts aimed at maintaining international attention on the issue.

30. Commending the Office of the Prosecutor General of Ukraine for the criminal proceedings it has undertaken concerning the deprivation of liberty of 14 938 civilians, the Assembly looks forward to the completion of these proceedings in line with the requirements of the European Convention on Human Rights (ETS No. 5) and of Ukrainian legislation.

31. Acknowledging that not all released civilians have returned to Ukraine, the Assembly encourages the Council of Europe member States to support their relocation to third countries for those who so wish.

32. Conscious that the issue will not be solved in a short period of time and that co-ordinated efforts will have to be strengthened, the Assembly will remain seized of the topic of Ukrainian prisoners of war and civilian captives by the Russian Federation until the last person is released.





## Resolution 2574 (2024)<sup>1</sup>

Provisional version

# The honouring of obligations and commitments by Bosnia and Herzegovina

Parliamentary Assembly

1. Bosnia and Herzegovina joined the Council of Europe on 24 April 2002. Accordingly, it entered into, and agreed to honour, a number of specific commitments which are listed in [Opinion 234 \(2002\)](#) of the Parliamentary Assembly. To date, the country has signed 94 Council of Europe treaties, of which 91 have been ratified.
2. The Assembly reiterates its full support for the State of Bosnia and Herzegovina and all its citizens and urges all Council of Europe member States to respect its constitutional and legal order, sovereignty and territorial integrity.
3. The Assembly congratulates the authorities of Bosnia and Herzegovina for the pace of reforms since 2022, notably the adoption of a Law on the prevention of conflict of interest, amendments to the Law on the High Judicial and Prosecutorial Council, a Law on anti-money laundering and countering the financing of terrorism and a Law designating the human rights Ombudsman as national preventive mechanism against torture and ill-treatment.
4. The Assembly is pleased to note that following these reforms, the European Council decided to open accession negotiations with Bosnia and Herzegovina in March 2024.
5. The Assembly laments the fact that the 2022 elections were held for the fourth time under a legal and constitutional framework which is in violation of the European Convention on Human Rights (ETS No. 5) as made clear by the 2009 judgment of the European Court of Human Rights in the case of *Sejdić and Finci*. The Assembly regrets that, as pointed out by the International Election Observation Mission for the 2022 general elections, “the increasing segmentation along ethnic lines and the corresponding divergent views on the future of the country remain a concern for the functioning of democratic institutions”. The Assembly recalls that, since the country’s accession to the Council of Europe in 2002, it has consistently and repeatedly urged for a constitutional reform in Bosnia and Herzegovina.
6. The Assembly notes that the Committee of Ministers has already adopted five interim resolutions calling on the authorities and political leaders to bring the constitutional and legislative framework into line with requirements of the European Convention on Human Rights. It also refers to the Committee of Ministers decision of 11-13 June 2024 by the Committee of Ministers which “insisted... firmly on the utmost importance of instantly relaunching the electoral reform work, while pursuing all consultations necessary aimed at eliminating discrimination based on ethnic affiliation or failure to meet a combination of ethnic affiliation and place of residence in elections for the Presidency and the House of Peoples of Bosnia and Herzegovina.”
7. The Assembly welcomes the changes introduced to the electoral legislation with a view to ensuring the integrity of the electoral process in line with European standards and the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), the Group of States against Corruption (GRECO) and the European Commission for

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1. *Assembly debate* on 2 October 2024 (29th sitting) (see [Doc. 16039](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Zsolt Németh and Mr Aleksandar Nikoloski). *Text adopted by the Assembly* on 2 October 2024 (29th sitting).



Democracy through Law (Venice Commission). However, the Assembly is concerned that these changes had to be enacted by the High Representative and could not be adopted by the authorities of Bosnia and Herzegovina despite the high level of agreement of the political parties on the substance of these reforms.

8. The Assembly expresses its concern regarding the deliberate failure of the Republika Srpska authorities to implement the final and binding decisions of the Constitutional Court of Bosnia and Herzegovina. It is also concerned by the fact that the Constitutional Court of Bosnia and Herzegovina cannot function at full capacity, which hinders the effectiveness and credibility of the judicial system. Deliberately obstructing the functioning of the Constitutional Court undermines all three basic principles of the Council of Europe: democracy, human rights and the rule of law. The Assembly therefore urges the competent authorities to nominate all judges to the Constitutional Court of Bosnia and Herzegovina.

9. The Assembly refers to the United Nations General Assembly Resolution A/RES/78/282 on the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, which recalls the judgments of the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice on genocide committed in Srebrenica in 1995. The Assembly reiterates that criminal accountability under international law for the crime of genocide is individualised and cannot be attributed to any ethnic, religious or other group or community as a whole and joins the call on States to: “preserve the established facts, including through their educational systems by developing appropriate programmes, also in remembrance, towards preventing denial and distortion, and occurrence of genocides in the future”.

10. As regards the strengthening of democratic institutions and the rule of law, the Assembly calls on the authorities of Bosnia and Herzegovina to:

10.1. bring the electoral legislation in line with the European Convention on Human Rights and ensure the equality and non-discrimination of citizens;

10.2. ensure the proper functioning of the Constitutional Court of Bosnia and Herzegovina, in line with the Venice Commission’s opinions on the method of electing judges to the Constitutional Court and on certain issues relating to the functioning of the Constitutional Court of Bosnia and Herzegovina;

10.3. adopt a new law on the High Judicial and Prosecutorial Council taking into consideration the recommendations contained in the Venice Commission’s Interim Follow-up Opinion to previous Opinions on the High Judicial and Prosecutorial Council;

10.4. improve the efficiency of the institutional framework, and adopt reforms with a view to meeting the objectives and conditions required prior to the closure of the Office of the High Representative as set out by the Peace Implementation Council;

10.5. intensify the fight against corruption, improve the legal framework for the prevention of corruption and implement the outstanding recommendations contained in the Second Interim Compliance Report by the GRECO on corruption prevention in respect of members of parliament, judges and prosecutors;

10.6. adopt legislation ensuring permanent funding of the three public broadcasters and transparency in the ownership of media outlets.

11. As regards the protection of human rights, the Assembly:

11.1. recalls Bosnia and Herzegovina’s accession commitment to continue reforms in the field of education and reiterates its call on the authorities to take all necessary steps to eliminate all aspects of segregation and discrimination in education. Such action should promote the right to mother language-based education and multilingual education as promoted by UNESCO;

11.2. encourages the establishment of a common core curriculum in history allowing for all to understand the diversity of points of views, while prohibiting the honouring in the school curriculums of individuals convicted of genocide, crimes against humanity and war crimes;

11.3. urges political parties and media outlets to address hate speech, in particular in the context of electoral campaigns, in line with the recommendations of the European Commission against Racism and Intolerance (ECRI).

12. The Assembly, while welcoming positive developments in a number of areas, remains concerned about the lack of, or insufficient progress in some areas crucial for the functioning of democratic institutions. Therefore, it resolves to pursue its monitoring of the honouring of obligations and commitments by Bosnia and Herzegovina.

13. The Assembly invites the authorities of Bosnia and Herzegovina to translate this resolution and its explanatory memorandum into the national languages, and to make these translations public.





**Resolution 2575 (2024)<sup>1</sup>**

Provisional version

## **Commemorating the 90th anniversary of the Holodomor – Ukraine once again faces the threat of genocide**

Parliamentary Assembly

1. The Parliamentary Assembly stresses that the present war of aggression of the Russian Federation against Ukraine must be seen in the context of an earlier attempt to wipe out Ukrainian nationhood, namely the Holodomor, whose 90th anniversary was commemorated in November 2023.

1.1. The Holodomor, genocide by artificial famine, resulted in the deaths of millions of Ukrainians, shielded from the view of foreign observers located in urban areas.

1.2. Hitherto secret documents published after the “Orange Revolution” show that the famine was the intended result of the policies imposed by the Soviet regime. The artificial famine targeted mostly Ukrainians, within the Ukrainian Soviet Socialist Republic as well as Ukrainians living in other regions of the Soviet Union; only ethnic Kazakhs, who may well have been targeted by the Kremlin for similar reasons, suffered comparable loss of life.

1.3. According to the official Russian narrative, the famine was the unintended result of erroneous economic policies pursued by Josef Stalin. But documents show there was no shortage of grain until the authorities confiscated even the seed grain that would have ensured the following year’s harvest. Documents also show that the confiscation of food targeted not only grain, but any and all foodstuffs found in Ukrainian farmers’ houses in brutal searches carried out by officials even when family members were already dead or dying on the floor.

1.4. The deadliness of the artificial famine was heightened by the fact that NKVD (People’s Commissariat for Internal Affairs) troops surrounded the stricken villages and regions, preventing the inhabitants from escaping and blocking any foodstuff from entering the target regions.

1.5. The Soviet Union also refused international aid offered by several countries to alleviate the suffering in Ukraine and instead exported confiscated Ukrainian grain abroad.

1.6. The artificial famine was preceded by a campaign of show trials, enforced disappearances and other forms of repression against the Ukrainian intellectual elites – the cultural backbone of Ukrainian nationhood. This campaign of terror and repression targeting the Ukrainian “intelligentsia” took place years before Stalin’s purges and terror campaign in the late 1930s also engulfed numerous ethnic Russians and members of other Soviet nationalities.

1.7. These special measures, in particular the confiscation of all foodstuffs in house-to-house searches and the NKVD blockades as well as the repression targeting the intellectual elite were applied only in Ukraine and other regions chiefly populated by Ukrainians, not in other parts of the Soviet Union suffering from famine.

1.8. The Assembly, therefore, determines that the systematic destruction of first the political and cultural leaders, who served as the cultural backbone of the Ukrainian nation, and then millions of ordinary Ukrainians, was deliberately intended as a genocide. Genocide, as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention),

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1. *Assembly debate* on 3 October 2024 (30th sitting) (see [Doc. 16028](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Knut Abraham). *Text adopted by the Assembly* on 3 October 2024 (30th sitting).



does not require the physical elimination of all members of the target group. It is sufficient that living conditions are made so difficult that the existence of the group as such, in whole or in part, is put in jeopardy.

1.9. Until the fall of the Soviet Union, Ukrainians continued to suffer from the leaden silence about the Holodomor enforced by the Soviet regime. After Ukraine became independent, and in particular since the “Orange Revolution”, the Ukrainian people have enjoyed a revival of their language, culture and political consciousness, with unquestionable support for human rights and the rule of law. Such resilience in the face of genocide and historic and present brutal repression deserves the greatest admiration.

2. The Assembly expresses its deep concern in relation to the genocidal threat that Ukraine is facing once again in the ongoing full-scale war of aggression by the Russian Federation, noting that:

2.1. Russian propaganda, including statements at the highest level, deny the Ukrainian people’s very right to exist as an independent nation;

2.2. the methods used by the Russian military in the war against Ukraine and the actions of the illegal Russian authorities in the temporarily occupied Ukrainian territories show that these statements are not empty threats;

2.3. the massacres of Bucha and Irpin and those discovered in other towns liberated from Russian occupation and the use of powerful explosives and even thermobaric and cluster munitions in heavily populated areas constitute war crimes and, given their widespread, systematic nature, crimes against humanity. The same is true for the siege and destruction of the city of Mariupol, the heavy shelling of Kharkiv, Odessa and other Ukrainian cities and towns, even ones far from the frontline, and the systematic targeting and destruction of vital civilian infrastructures such as hospitals, markets, power stations, district heating, food storage and processing facilities;

2.4. the systematic tracking down, “filtering out” and ill-treatment in makeshift torture chambers of patriotic Ukrainian political and cultural elites (local officials, community leaders etc.) by the illegal occupation authorities, the forcible incorporation of men living in the temporarily occupied areas of Ukraine into the Russian military and the systematic destruction of the spiritual legacy and cultural heritage of the Ukrainian people such as churches, museums, publishing houses and monuments demonstrate the intention of the Russian occupiers to destroy Ukrainian nationhood wherever they can;

2.5. the forcible transfer and deportation of tens of thousands of Ukrainian children to temporarily occupied Ukrainian territories or faraway regions of the Russian Federation and Belarus is a war crime, a crime against humanity and may well amount to an element of genocide. The Assembly welcomes the arrest warrants by the International Criminal Court (ICC) against Vladimir Putin and the Russian Commissioner for Children’s Rights, Maria Lvova-Belova;

2.6. just as in the 1930s, the Russian Federation is once again using food as a weapon, not only against Ukraine but also to exacerbate global food insecurity. By blockading and threatening ships in the Black Sea, the Russian Federation has weaponised trade and disrupted grain shipments to Africa and other regions. Ukrainian farmers face severe shortages of resources, while Russian forces have deliberately bombed farmland, mined fields, and destroyed vital agricultural infrastructure. The Kakhovka Dam disaster alone caused US\$387.71 million in damage, cutting off irrigation to nearly 600 000 hectares of farmland.

3. The Assembly therefore:

3.1. recognises the Holodomor of 1932-1933 in Ukraine as a genocide against the Ukrainian people and invites all national parliaments who have not yet done so to do the same;

3.2. commends Ukraine for the thorough investigations carried out by the Security Service (SBU) and the Prosecutor General’s Office since 2009. These judicial investigations exposed the horrific scale of the crime and the brutal methods used, and they identified its instigators and perpetrators, in particular Josef Stalin. Finally, they established their motive – to destroy the Ukrainian people as a national group, in order to ensure unfettered Russian domination of the Soviet Union;

3.3. calls on all governments to do their utmost to help the people of Ukraine to fight off the ongoing genocidal assault against their nation and to hold to account the perpetrators of the crimes against humanity and war crimes committed in the context of the Russian war of aggression;

3.4. recalls that all contracting parties to the Genocide Convention, including all member States of the Council of Europe, have undertaken a legal duty to prevent and punish any acts of genocide and may call upon the competent organs of the United Nations to take appropriate action;

3.5. calls on all member and observer States of the Council of Europe as well as States whose parliaments enjoy partner for democracy status with the Assembly to make use of all the instruments at their disposal, including under the Genocide Convention, to prevent any further acts of genocide against the Ukrainian people as a national group, including the attempt to commit genocide and the direct and public incitement to genocide, and to ensure that the perpetrators of earlier such acts are punished;

3.6. invites the Prosecutor of the ICC to consider examining the reported allegations of genocide against the Ukrainian people, generally in respect of the situation in Ukraine, including in the temporarily occupied territories of Ukraine, and more specifically regarding the transfer of Ukrainian children.







**Resolution 2576 (2024)<sup>1</sup>**

Provisional version

## Preventing and combating violence and discrimination against lesbian, bisexual and queer women in Europe

Parliamentary Assembly

1. Despite major progress on the protection of the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in recent years, attacks seeking to deny these rights or withdraw them have increased in Europe. For a long time, lesbian, bisexual and queer (LBQ) women have been sidelined and are now especially targeted by anti-gender movements, which attack women's rights and the rights of LGBTI persons, attempting to silence them or deny them their legitimate place in public spaces.
2. LBQ women experience stigma and discrimination based on gender, sexual orientation and their specific identity as women who do not conform to societal expectations, stereotypical gender-related roles or so-called standards of femininity. They may be victims of physical, verbal and psychological violence including so-called "honour" crimes seeking to deny their sexual orientation, punish them for assuming it or control their bodies. Other prejudices may also interact, depending for example on racial or ethnic origin, gender identity, gender expression and sex characteristics, disability, age and class. Prejudice and stigma can affect access to employment, housing, healthcare, sexual and reproductive health and rights, and the private and family life of LBQ women. Thus, preventing and combating violence and discrimination against LBQ women is a human rights issue.
3. The Parliamentary Assembly denounces the instrumentalisation of the rights of LGBTI persons for political purposes and the hate speech targeting LGBTI persons. It deplores the actions taken by State structures to undermine LGBTI persons including LBQ women, such as support for anti-equality demonstrations and the adoption of decrees or laws seeking to restrict the rights of LGBTI persons or prevent the dissemination of information. The Assembly recognises that lesbian transgender women and racialised LBQ women are subject to particularly violent attacks, and that sexism, racism, biphobia, transphobia and lesbophobia can result in intersecting forms of discrimination. The Assembly asserts that everyone has their place in society and that attempts to impose heteronormativity and self-effacement must end. The assertion and protection of the rights of LGBTI persons including LBQ women do not remove other people's rights.
4. Policies designed to protect the rights of LGBTI persons do not always address the specific challenges faced by LBQ women. The Assembly supports the protection and promotion of the rights of LBQ women in all their diversity, and the fight against hate speech on any ground, and calls for respect for all identities. Parliamentarians have a key role to play in the fight against hate speech targeting LGBTI persons and can take part in the activities of the Parliamentary Platform for the rights of LGBTI people in Europe. In this connection, the Assembly refers to its Resolutions 2543 (2024) "Freedom of expression and assembly of LGBTI people in Europe", 2417 (2022) "Combating rising hate against LGBTI people in Europe", 2465 (2022) "The fight for a level playing field – Ending discrimination against women in the world of sport" and 2395 (2021) "Strengthening the fight against so-called 'honour' crimes".

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1. *Assembly debate* on 3 October 2024 (31st sitting) (see [Doc. 16043](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Béatrice Fresko-Rolfo). *Text adopted by the Assembly* on 3 October 2024 (31st sitting).



5. Promotion of respect for all, in all their diversity, can be achieved in particular through the education system, which should be a force for progress and a setting in which everyone can be themselves. Information campaigns and expressions of strong political support for measures to combat all forms of discrimination, taking account of their intersectional dimension, are needed. The Assembly stresses the importance of providing access to school programmes inclusive of diversities.

6. The national bodies responsible for equality issues play a major part in combating violence and discrimination against LBQ women. The Assembly calls for their role to be recognised and for them to be given political and financial support.

7. The Council of Europe has played a pioneering role in protecting the rights of LGBTI persons including LBQ women. The Assembly highlights 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. It welcomes the progress made over the last ten years, including the creation of a Committee of Experts on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (ADI-SOGIESC). It calls on member States to support the committee's work, including the preparation of an initial Council of Europe strategy on the protection of LGBTI persons' rights.

8. In the 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:

8.1. adopt, finance and implement national strategies to protect the rights of LGBTI persons, prepared in co-operation with organisations representing LGBTI persons and including specific measures for LBQ women;

8.2. recognise the specific features related to access for LBQ women to their rights and ensure that laws on women's rights take these into account;

8.3. implement robust legislation against discrimination and ensure that it contains specific provisions on discrimination on grounds of sexual orientation, gender identity, gender expression and sex characteristics, and takes account of the intersectional dimension;

8.4. implement the judgments of the European Court of Human Rights on the rights of LGBTI persons, including LBQ women;

8.5. adopt a zero-tolerance policy on hate crimes and hate speech against LGBTI persons, including LBQ women, to prosecute and, where appropriate, punish perpetrators of violence motivated by prejudices against them, to intensify measures to combat online anti-LGBTI hate, and prosecute the perpetrators thereof;

8.6. repeal legislative and constitutional amendments designed to restrict the rights and freedoms of LGBTI persons, including LBQ women, and to prohibit conversion practices and forced sterilisation;

8.7. guarantee access to information for all on diversity of sexual orientations, gender identities, gender expressions and sex characteristics, to combat disinformation campaigns on LBQ women and to repeal "anti-LGBTI propaganda" laws;

8.8. recognise the parental rights of the second parent in same-sex couples, in the child's best interest;

8.9. recognise the right of same-sex couples to marry or at least to contract a civil union giving them access to the same rights as marriage, to recognise marriages of same-sex couples celebrated abroad so as to be able to transfer social security rights, and to guarantee the payment of survivor's pensions;

8.10. recognise fears of persecution on the grounds of sexual orientation, gender identity, gender expression or sex characteristics as grounds to grant asylum and to support asylum requests from LGBTI persons forced to flee their country for these reasons.

9. With regard to assistance for LBQ women who are victims of violence and discrimination, 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:

9.1. ratify, if they have not already done so, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") and to implement it;

9.2. implement Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech, Recommendation CM/Rec (2024)4 of the Committee of Ministers to member States on combating hate crime 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;

9.3. train police officers, social workers and judicial authorities on the proper reception of LBQ women victims of violence or discrimination;

9.4. finance specific programmes to support LBQ women, particularly emergency shelters.

10. With regard to combating prejudice, 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:

10.1. protect the freedom of expression and visibility of LBQ women in public spaces and support pride marches;

10.2. support sexuality and relationships education programmes inclusive of diversities in schools;

10.3. finance cultural and education programmes supporting respect for diversity and on the fight against sexist stereotypes and hate speech targeting LGBTI persons including LBQ women;

10.4. encourage the establishment of inclusive policies in the private and public sectors;

10.5. support research and data collection on violence and discrimination against LBQ women;

10.6. run awareness-raising campaigns on combating prejudice, discrimination and violence against LGBTI persons, including LBQ women;

10.7. support non-governmental organisations working to protect the rights of LBQ women in all their diversity and to consult them when elaborating policies regarding LBQ women.

11. With regard to access to healthcare, 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:

11.1. train health professionals on the proper reception of LBQ patients and ask them to take into account the diversity of patient profiles and life journeys;

11.2. guarantee equitable access to healthcare without discrimination to all LBQ patients, including in medically assisted procreation services, and to recognise the importance of mental healthcare for all.

12. The Assembly encourages national parliaments to celebrate International Lesbian Visibility Day on 26 April and to co-operate with organisations protecting LBQ women's rights.





## Resolution 2577 (2024)<sup>1</sup>

Provisional version

# Guaranteeing the human right to food

Parliamentary Assembly

1. The Parliamentary Assembly is struck by the extremely paradoxical phenomenon on the European continent as regards access to food: namely that hunger and malnutrition are still present even though there are ample supplies of foodstuffs. This coexistence of plenitude and hunger highlights persistent inequalities that affect access to healthy, adequate, and sustainable food, despite the resources available.

2. The Assembly believes that climate change, by exacerbating extreme weather events, agricultural crises and disruptions to supply chains, is likely to further aggravate these inequalities and pose growing challenges to ensuring equitable and sustainable access to healthy, adequate, and sustainable food – including drinking water – in the decades to come.

3. The challenges surrounding food in Europe are major. People's access to reliable and sufficient sources of supply is often compromised by the absence of effective self-production systems and by **climate change and** geopolitical tensions that disrupt traditional supply chains. Distribution, processing and marketing systems are unbalanced, penalising small-scale food producers and failing to adequately protect their rights, in particular depriving them of fair remuneration. The market logic, which is predominant in certain regions of Europe, gives priority to commercial and agricultural interests, which are often in tension with the imperative of the right to food. Instead of placing at the forefront individuals, as holders of fundamental rights as regards access to food, this approach tends to prioritise economic potential and global agricultural activities, which compromises full recognition of the right to food for all.

4. The Assembly is fully aware of the particular challenges Europe faces due to the war in Ukraine. According to Ukrainian authorities, between 15% and 18% of Ukrainian agricultural land are currently under temporary occupation, while the lands of many Ukrainian farmers are now either occupied or destroyed. Ukrainian agriculture, which before the invasion accounted for 10% of global wheat and barley exports, 15% of corn exports, and 50% of sunflower oil exports, has been severely affected by bombings, landmines, and land contamination.

5. The Assembly is convinced that only a rights-based approach can provide a cross-cutting and consistent understanding of all the social, political, economic and cultural factors affecting access to food and reliably ensure that policies relating to food systems at all territorial levels are in line with the core content of the right to food for all.

6. The Assembly notes that this rights-based approach is underpinned by a robust framework in international law. The right to food is a fundamental human right enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights, which all Council of Europe member States have ratified and are bound to respect, protect and implement.

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1. *Assembly debate* on 3 October 2024 (31st sitting) (see [Doc. 16041](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Simon Moutquin). *Text adopted by the Assembly* on 3 October 2024 (31st sitting).

See also [Recommendation 2286 \(2024\)](#).



7. General Comment No. 12 of the United Nations Committee on Economic, Social and Cultural Rights gives practical substance to the right set out in Article 11 of the Covenant. This interpretation is recognised by the international community as authoritative. According to this definition, the right to food includes the basic guarantee of protection from hunger, and the obligation of States to progress towards the full realisation of this right by ensuring that food is available, accessible, sustainable and adequate for everyone.
8. The Assembly notes that, on this basis, the United Nations bodies have for more than twenty years been developing tools to provide a framework and explain the specific features of an approach grounded in the right to food, with the aim of defining and raising awareness of this right and guiding States in the strategies to be adopted for its realisation.
9. The Assembly attaches particular importance to the conceptual and strategic framework developed by the High-Level Panel of Experts on Food Security and Nutrition for transforming food systems to meet the requirements of an approach based on the right to food and to enable progress to be made towards achieving all the Sustainable Development Goals.
10. In the Voluntary Guidelines on the right to food adopted by the United Nations Food and Agriculture Organisation (FAO) in 2004, States recognised the need to undertake a constitutional (or legislative) review that facilitates the progressive realisation of the right to adequate food. As far back as 1999, the United Nations Committee on Economic, Social and Cultural Rights recommended that States adopt a framework law as a major instrument in the implementation of their national strategies concerning the right to food.
11. The Assembly affirms that a constitutional right to food provides the strongest possible foundation, by setting an obligation for all with regard to the right to food. It obliges public authorities to take measures to respect and protect it by adopting the necessary laws and policies and programmes which will ensure the respect, protection and progressive implementation of this constitutional right.
12. The Assembly further underlines the need to adopt framework laws setting out the conditions for the governance of food systems, in line with the FAO's recommendations. These laws should cover intersectoral co-ordination, establish guiding principles to guarantee the right to food, and include budgetary provisions for their implementation.
13. The Assembly notes, however, that none of the constitutions of the Council of Europe member States explicitly recognises a distinct right to food, and that there are few constitutions from which it can be deduced that the right to food is protected as a component of the right to dignity, health or the environment. Similarly, there are few legislative provisions that take a global view of the food chain based on the right to accessible, sustainable and adequate food.
14. On another note, the Assembly points out that positive food law, namely the standards applicable to the agrifood sector, food safety and consumer protection, has developed significantly in Council of Europe member States and in European Union law, although none of the branches of this law aims to ensure access to food for all.
15. The Assembly welcomes domestic legislation in many member States which has encouraged the redistribution of agricultural surpluses and unsold food from supermarkets and restaurants as food aid for the most vulnerable, linking also this practice to the fight against food waste. Schemes such as these enable the right to be fed, but do not necessarily go towards the goal of being able to obtain food to sustain one's needs in full autonomy.
16. In the light of these considerations, the Assembly calls on Council of Europe member States to:
  - 16.1. explicitly include the right to food in their constitutional provisions, including the right of access to drinking water. This constitutional recognition would guarantee a solid legal basis for the protection of this fundamental right and would oblige all branches of government to place people's rights at the heart of food policies and to take concrete steps to respect, protect and progressively realise this right;
  - 16.2. adopt national framework laws covering the right to food. These laws should provide a framework for and co-ordinate the different branches of law and public policies relating to food systems, in order to ensure a consistent and integrated approach that meets the requirements of available, accessible, sustainable and adequate food for all;
  - 16.3. incorporate food security as a central component of their national and international strategies that should include the creation of strategic food reserves, strengthening of supply chains, and support for local food production systems to mitigate the impact of global disruptions caused by climate change and geopolitical tensions;

16.4. give priority to a coherent legal framework to make food distribution, processing and marketing systems fairer and more stable, by reducing economic imbalances between public and private players, aligning agricultural issues with the objectives of the ecological transition and supporting farmers in this transition in a inclusive way, while ensuring fair remuneration and greater protection of their rights;

16.5. draw on the international legal framework provided by the International Covenant on Economic, Social and Cultural Rights and other existing international instruments, such as the Voluntary Guidelines on the right to food of the FAO and the work of the High Level Panel of Experts on Food Security and Nutrition, so as to develop and implement national and local strategies aimed at the full realisation of the right to food in line with the United Nations' One Health objective, which interlinks the health of people, animals and ecosystems;

16.6. move from a charitable approach to food aid and food provision for the more vulnerable members of society towards a rights-based approach ensuring autonomous access to healthy, adequate and sustainable food for all. This shift should lead to diversification of the forms of food solidarity, to a situation where emergency aid is no longer seen as the primary response;

16.7. invest in technological innovations and modern and sustainable agricultural practices that enhance food production and supply chain efficiency that are crucial for building resilient food systems capable of addressing global food security challenges.







## Resolution 2578 (2024)<sup>1</sup>

Provisional version

# Risks and opportunities of the metaverse

Parliamentary Assembly

1. The metaverse represents a new frontier for digital technology and a step change in the way that people can interact with information, one another and society. Immersive media, such as fully immersive virtual reality and wearable augmented reality, is experienced as an all-surrounding psychologically convincing simulative environment, in which people can interact with one another as embodied avatars, in a compelling blend of digital and physical experience.
2. The Parliamentary Assembly notes that immersive technologies are already being used to great positive effect in multiple sectors including education, healthcare, art, culture, sport, design, engineering, media and communication and, increasingly, in participatory democracy. The persistent, interconnected and inherently social metaverse environments may trigger social and societal benefits, including meeting with like- and unlike-minded communities, without the need for physical travel. Enhanced remote and virtual working and social gatherings offer new opportunities to those currently isolated by their location or lack of mobility, health or financial means.
3. However, the Assembly is concerned that, whilst governance and legislation struggle to keep pace with technological innovation, questions of accountability for person-to-person criminal behaviour in metaverse environments persist, such as harassment, violence, abuse, fraud and theft, and other serious human rights violations. The metaverse environments can also be exploited to fuel hatred and manipulate public opinion, thus biasing democratic processes, or may facilitate Orwellian State control of authoritarian regimes over the opinions and social behaviour of the population. Moreover, without corrective measures, unequal access to the metaverse – because of its costs – may generate new forms of discrimination and increase social gaps.
4. Decision makers should carefully consider, understand and assess threats to democracy, human rights and the rule of law, but also the many opportunities for breakthrough advances which the metaverse triggers, and they should take informed and responsible action to maximise its benefits while avoiding potential misuses which would undermine our societies.
5. Self-regulation might not be enough, and the Assembly stresses the need to address the rights and obligations of private companies providing metaverse services and infrastructure, including approaches to data management, integration of artificial intelligence, enforcement of terms of use and the reporting of criminal behaviour. Corporate entities, including manufacturers of hardware, publishing platforms and developers of content should have clear safeguarding responsibilities and be held accountable when tools and technologies are repeatedly utilised for illegal and abusive activities.
6. At the same time, public authorities must commit to upholding democratic principles and fundamental freedoms, and they should foster a culture of responsibility and accountability in this emerging socio-technical space. Core principles such as equality and non-discrimination, transparency, privacy and safety of all users should be embedded in the design and development of the metaverse architecture and of artificial intelligence (AI) systems operating therein.

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1. *Assembly debate* on 4 October 2024 (32nd sitting) (see [Doc. 16031](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Andi-Lucian Cristea). *Text adopted by the Assembly* on 4 October 2024 (32nd sitting).



7. Responsible governance may encourage creativity, innovation and entrepreneurialism, while upholding democracy, human rights and the rule of law within and through metaverse environments. To achieve these results and remain in control of their future, European countries should not confine themselves to the role of regulators, while others create the technologies which will shape our world, and they should spur the innovation processes, driving them in the right direction and ensuring that our societies benefit from technological developments.

8. Learning from the desktop and mobile era of computing, targeted investment and sound incentives can pave the way for alternatives to the formation of large, concentrated monopolies, exclusionary design, corrosive cultures, and unsustainable production practices. In this respect, the legislative and regulatory framework should consider competition and markets, particularly in relation to distributed monopoly interests spanning hardware, software, content production, publishing, data management, research, advertising and user safety markets.

9. Therefore, the Assembly calls on Council of Europe member States to ensure that the legislative and regulatory frameworks applicable to metaverse environments uphold democracy, human rights and the rule of law, responding to law infringements with adequate measures concerning policing, jurisdiction, evidence gathering and deterrent sanctions, and in particular that they:

9.1. counteract harassment, violence, abuse – with particular attention to sexual abuse and child abuse – and manipulative and exploitative conducts, bearing in mind that interpersonal contact in metaverse environments are more psychologically convincing than other screen-based media, and that legislation should properly address this new psychosocial dynamic;

9.2. safeguard freedom of expression and deal with new forms of social and political manipulation, including disinformation, deep fake avatars, radical ideology and propaganda which could find ground in metaverse environments;

9.3. actively promote Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment, among individuals, public authorities and business enterprises and take specific measures regarding its implementation in order to enable all children to fully exercise their human rights and fundamental freedoms in the context of the metaverse;

9.4. guarantee users' rights to cognitive liberty and mental privacy and all rights enshrined by the Council of Europe modernised Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its amending Protocol (ETS No. 108 and CETS No. 223, "Convention 108+") including:

9.4.1. the prohibition, for corporate or State entities, to collect, analyse, exploit or commodify user data generated in the metaverse environments without users' free and explicit consent;

9.4.2. the prohibition to use subconsciously contributed biometric information – such as involuntarily eye movements and pupil dilation – for behavioural, social or political profiling;

9.4.3. the processing of sensitive data – such as genetic or biometric data, but also those relating to racial or ethnic origin, political opinions, beliefs, health or sexual life, among others – only when this is necessary to pursue a stated legitimate aim, and with appropriate safeguards established by law;

9.4.4. reinforced information security to protect data gathered;

9.5. set up transparency requirements in the operation of AI systems requirements, according to Council of Europe standards.

10. The Assembly considers that Council of Europe member States should support inclusive access to, and informed use of the metaverse, and encourage democratic engagement therein. Thus, it calls on Council of Europe member States to:

10.1. prioritise, at different levels of governments, policy action aimed at broadening access to emerging technologies and consider targeted investments to narrow the digital divide by removing existing and potential barriers, including costs;

10.2. encourage metaverse literacy of elected representatives, the judiciary, law-enforcement agencies and public officials in healthcare, education, culture and other relevant policy areas, to increase professional understanding of virtual and augmented reality tools and their affordances;

10.3. undertake public literacy campaigns, also via public service media and their digital platforms, to support the population in equitably accessing and leveraging the opportunities of the metaverse, whilst developing an understanding of the risks, especially for children;

10.4. consider hosting governmental and civil society citizenship initiatives in metaverse environments, to model best practices that prioritise inclusion and encourage participation and engagement of a wide range of the public, in particular youth groups, across diverse communities, actively enabling the contribution of minority groups.

11. The Assembly is convinced that international co-operation among governments, as well as their collaboration with the private sector and researchers are essential to address the complexities of metaverse technology, promote sound competition and incentivise the development of safe creative immersive ecosystems and ethical metaverse standards. Therefore, the Assembly urges member States to strengthen dialogue and collaboration with business and industry stakeholders, and civil society organisations, with an aim to:

11.1. prevent monopolies and anti-competitive practices; consider limitations to the scale of influence that a single State or a corporate entity may be entitled to accrue across metaverse ecosystems, and create opportunities for new entrants across the metaverse technology stack;

11.2. agree on codes of ethics for publicly funded metaverse projects, to ensure that these projects uphold human rights and democratic values;

11.3. develop partnerships with actual and potential metaverse providers, to support research and strategic investment in immersive platforms that model positive social and community structures, mirroring public sector approaches to town planning;

11.4. put in place sound content regulation akin to the broadcast and cinema sectors, and apply learnings from social media regulation to avoid that mechanisms are set up in metaverse environments by which State or private sector parties could manipulate user behaviour;

11.5. build sustainability into the supply chain and ecosystems of immersive technology, promoting and monitoring compliance with internationally agreed climate targets and the United Nations Sustainable Development Goals; consider in this respect, for example, codes of practice or regulations on life cycle assessment of immersive technologies, which should encourage responsible practices (such as repair and reuse of devices, recycling of gold and other rare earth minerals; minimising transportation, etc.) and enable them by creating adequate facilities;

11.6. adopt a participatory and dynamic approach to policy making and legislation, subjecting policies to regular reviews to maintain comprehensive up-to-date protection for the population, as technologies continue to evolve;

11.7. strengthen international co-operation agreements, in particular to enhance cross-jurisdictional prevention and responses to criminal activities in metaverse environments, and encourage mutual learning and exchanges of best practice at international level, making best use of the potential of the Council of Europe in this respect;

11.8. sign and ratify the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law (CETS No. 225, “the Vilnius Convention”), which was open for signature on 5 September 2024, and opt to fully apply its provisions to the activities of private actors, and to put in place limitations, or even bans, on certain uses of AI deemed incompatible with human rights, especially in relation to health and the environment.

12. For its part, the Assembly will continue following developments in this field and resolves to strengthen its partnership with the European Parliamentary Technology Assessment (EPTA) Network, with a view to providing its contribution to policy makers in shaping technology development and ensuring democratic governance and respect for human rights and fundamental freedoms.