



## Resolution 2525 (2024)<sup>1</sup>

# The theme of migration and asylum in election campaigns and its consequences on the reception of migrants and their rights

### Parliamentary Assembly

1. The Reykjavik Declaration, adopted at the 4th Summit of Heads of State and Government of the Council of Europe, reiterated the Organisation's principles in the face of the threats to human rights, the rule of law and peace in Europe, including democratic backsliding, violations of freedom of expression and the proliferation of hate speech. The Parliamentary Assembly considers that the treatment of the theme of migration and asylum lies at the intersection of these many challenges.
2. Considering that elections are milestone events that shape democracy, the Assembly is concerned at the intensification of a partial and biased treatment of the issue of migration and asylum in election campaigns which legitimises political proposals aimed at blocking access to rights of migrants, refugees and asylum seekers, in contravention of the Council of Europe's standards.
3. The Assembly acknowledges the importance of ensuring that pluralist and even diverging opinions on the theme of migration and asylum may be expressed during election campaigns. It firmly underlines, however, that hate speech and discriminatory measures cannot be part of a political programme which meets the Council of Europe's principles and standards, and calls on governments of member States as well as key actors in the formulation and dissemination of electoral propaganda to implement [Recommendation CM/Rec\(2022\)16](#) of the Committee of Ministers to member States on combating hate speech. The Assembly stresses that strong political determination is urgently needed to put an end to the instrumentalisation of the theme of migration and asylum for electoral gain, so that this topic can be addressed in a balanced fashion, taking into account all the challenges at stake.
4. The Assembly recalls that the theme of migration and asylum cannot be limited to security matters and urgently calls on politicians and the media to urgently weigh up the consequences that such restricted treatment may have for social cohesion and public order. It expresses its profound concern at the escalation of verbal and physical attacks on people of foreign origin or on those perceived as such, in particular on racialised people and members of religious minorities, which has resulted from that process. In particular, the Assembly reiterates the concerns expressed in [Resolution 2457 \(2022\)](#) "Raising awareness of and countering Islamophobia, or anti-Muslim racism, in Europe".
5. The Assembly emphasises that the normalisation of such an approach when covering the theme of migration and asylum is accompanied by a rise in intolerance towards individuals (rights defenders, elected representatives, journalists) and institutions (universities, media outlets) favourable to the reception and the inclusion of migrants, refugees and asylum seekers. It calls for manifestations of such intolerance to be sanctioned, in particular restrictions on fundamental freedoms, including freedom of assembly and association, of expression and of the press, or attacks against the physical and moral integrity of individuals.

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1. *Assembly debate* on 23 January 2024 (3rd sitting) (see [Doc. 15832](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Pierre-Alain Fridez; and [Doc. 15888](#), opinion of the Committee on Political Affairs and Democracy, rapporteur: Mr Tural Ganjaliyev). *Text adopted by the Assembly* on 23 January 2024 (3rd sitting).



6. Recalling [Recommendation No. R \(97\) 20](#) of the Committee of Ministers to member States on “hate speech”, according to which hate speech and intolerance “undermine democratic security, cultural cohesion and pluralism”, the Assembly:

6.1. reiterates the importance for all member States to ratify Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 177);

6.2. commends the work of the European Commission against Racism and Intolerance (ECRI) and calls on member States to harmonise their legal frameworks in accordance with ECRI’s [General Policy Recommendation No. 15 on combating hate speech](#);

6.3. urges member States to strengthen measures to protect political debates against foreign interference and manipulation, especially during electoral campaigns, and when this is aimed at spreading hatred and xenophobic discourse.

7. In view of the recommendations to public officials, elected bodies and political parties in [Recommendation CM/Rec\(2022\)16](#), and taking into account [Resolution 1546 \(2007\)](#) “The code of good practice for political parties”, [Resolution 1889 \(2012\)](#) “The portrayal of migrants and refugees during election campaigns” and [Resolution 2275 \(2019\)](#) “The role and responsibilities of political leaders in combating hate speech and intolerance”, the Assembly:

7.1. considers that migrants, refugees and asylum seekers are an integral part of European societies and calls on political parties and the media to reflect this reality in a constructive manner. It reiterates its support for underrepresented groups, especially migrants, in the electoral process as candidates or voters;

7.2. stresses, as emphasised by the Committee of Ministers in [Recommendation CM/Rec\(2022\)10](#) on multilevel policies and governance for intercultural integration, the need “for a strategic and coherent approach across all levels of government to ensure policy effectiveness and sustainability in the field of migrant integration and inclusion” and “to foster a common pluralistic sense of belonging through valuing diversity and building social trust, community cohesion and meaningful interaction between people across their different socio-cultural backgrounds”;

7.3. recalls the obligation and moral responsibility incumbent upon politicians not to use hate speech or stigmatising language and to immediately and unambiguously condemn their use by others; it reiterates its call on political parties to adopt self-regulatory instruments which prohibit and sanction the use of hate speech by their members;

7.4. underlines that the rule of law, democracy and human rights are the core principles of European constitutional heritage and calls on European political parties to comply with the Code of Good Practice in the field of Political Parties (CDL-AD(2009)021) which states that “[p]olitical parties should not act against the values of the [European Convention on Human Rights] and the principle of equality” (Article 18);

7.5. invites European political parties to endorse the [Charter of European Political Parties for a Non-Racist and Inclusive Society](#) in its revised version adopted in 2022;

7.6. in line with [Recommendation 799 \(1977\)](#) “Political rights and position of aliens”, recommends that the restrictions authorised by Article 16 of the European Convention on Human Rights (ETS No. 5) regarding political activities of foreigners be lifted, and notes that these rights are already enjoyed by European citizens within the European Union. In line with the [Guidelines on political party regulation of the European Commission for Democracy through Law \(Venice Commission\)](#) and the [Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe \(OSCE/ODIHR\)](#), the Assembly encourages that membership of a political party be opened up to migrants legally residing in Europe so that they may participate in the appointment of party representatives and stand as candidates in local elections;

7.7. reiterates the importance of the [Convention on the Participation of Foreigners in Public Life at Local Level \(ETS No. 144\)](#), adopted in 1992, which is applicable to people legally residing on European territory, and which asserts that “the residence of foreigners on the national territory is now a permanent feature of European societies”, and invites member States which are not party to the convention to sign it without further delay;

7.8. commends the adoption by the Congress of Local and Regional Authorities of the Council of Europe of [Resolution 431 \(2018\)](#) and [Recommendation 419 \(2018\)](#) “Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe’s municipalities and

regions”, commends the work of the Committee of Experts on Intercultural Inclusion (ADI-INT) which assists the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), and calls for greater co-operation between the Assembly, the CDADI and the Congress on such matters.

8. In line with the commitments made by the Committee of Ministers in [Recommendation CM/Rec\(2022\)16](#), the Assembly undertakes to play a leading role in promoting the Council of Europe’s instruments and standards and:

8.1. strongly encourages the Council for Democratic Elections and the Venice Commission to develop a code of conduct for electoral candidates and/or for the media to combat narratives which run counter to the European Court of Human Rights case law on regulating freedom of expression and the prohibition of hate speech. Such an initiative would provide a response to the recurring problems during electoral processes, underlined in the Report on electoral law and electoral administration in Europe ([CDL-AD\(2020\)023](#)) and debated in 2020 during the 17th European Conference on Electoral Management Bodies, in particular the issue of negative campaigning and hate speech during electoral campaigns;

8.2. encourages the No Hate Parliamentary Alliance to consider examining the question of the treatment of migration and asylum during election campaigns as part of its activities;

8.3. invites the Assembly’s election observation missions to monitor and report on, especially during pre-electoral missions, the use of hate speech, including subtle hate speech, in the framework of the online and offline electoral campaign debate in the observed country;

8.4. undertakes to promote, throughout its activities and among the European political formations concerned, ECRI’s general policy recommendations, and in particular [General Policy Recommendation No. 15 on combating hate speech](#), [General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination](#) and the revised Charter of European Political Parties for a Non-Racist and Inclusive Society;

8.5. calls for regular consultations, on a formal footing, between the Assembly, the Congress of Local and Regional Authorities, the CDADI, ECRI and the Conference of International Non-Governmental Organisations (INGOs) with a view to looking at how migration and asylum questions are treated during election campaigns, in the wider context of the integration of migrants, refugees and asylum seekers, and to aligning standards and initiatives in this area through the promotion of training tools that are designed for electoral management bodies and that reflect the Council of Europe’s standards on the fight against hate speech. The Assembly stresses the importance of involving the Special Representative of the Secretary General on Migration and Refugees in this process, particularly in the context of her fact-finding missions and of the implementation of the Council of Europe [Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe \(2021-2025\)](#), and in particular its pillar “Fostering democratic participation and enhancing inclusion (human rights and democracy)”.

9. The Assembly reiterates the recommendation made in [Resolution 2504 \(2023\)](#) “Health and social protection of undocumented workers or those in an irregular situation” that the restriction on the personal scope of application of the European Social Charter (ETS No. 35) be removed.

10. The Assembly recommends that the parliaments of member States:

10.1. take into account the concerns and recommendations set out in [Resolution 2317 \(2020\)](#) “Threats to media freedom and journalists’ security in Europe” and in [Resolution 1889 \(2012\)](#) cited above;

10.2. recognise, in a self-regulatory instrument, the seriousness of hate speech, including covert hate speech, and provide effective mechanisms for reporting and taking action against such statements. The Assembly recommends that national human rights institutions be involved in this process;

10.3. work towards adopting a definition of hate speech to be enshrined in civil or criminal law or amending such a definition, and allow appeals against such statements to be considered in line with ECRI’s General Policy Recommendation No. 15. The Assembly recommends that national human rights institutions also be involved in this process;

- 10.4. work towards the amendment of electoral legislation in force so that electoral management bodies or other competent entities are recognised as monitoring bodies empowered to refer cases of hate speech by a candidate during an electoral campaign to a competent authority. The Assembly also recommends working towards the development of administrative mechanisms to tackle the use of such narratives and to sanction them according to a fair, equal and swift procedure;
  - 10.5. support the independence and financial capability of authorities regulating public media;
  - 10.6. request information reports from the competent parliamentary committees on the participation of migrants, refugees and asylum seekers in local public life;
  - 10.7. take into account, prior to and following the adoption of policy reforms on migration and asylum, analyses and feedback from civil society organisations, academics and official human rights bodies competent at national and European levels.
11. In line with [Recommendation CM/Rec\(2022\)16](#), the Assembly recommends that press groups and media outlets:
- 11.1. join and support self-regulatory bodies, including for private media and online media;
  - 11.2. encourage migrants, refugees and asylum seekers to express their views on content relating to them;
  - 11.3. always contextualise commentaries on the theme of migration and asylum and systematically rectify false information;
  - 11.4. exercise a “media conscience clause”, declining to broadcast statements or content that are anti-democratic or against freedoms.
12. Regarding civil society organisations and associations, the Assembly:
- 12.1. commends the commitment of the Conference of INGOs of the Council of Europe to a holistic approach on migration as stated in the Recommendation for a global approach of the rights of refugees and migrants and the role of civil society ([CONF/AG\(2023\)REC2](#)), and encourages the conference to promote the registration of organisations founded by migrants, refugees and asylum seekers, and to facilitate their representation at the Conference of INGOs;
  - 12.2. recommends that civil society organisations, including those founded by migrants, refugees and asylum seekers, actively communicate with political parties and with the media so as to share views and, where appropriate, recommendations on policies ahead of and during electoral campaigns;
  - 12.3. encourages research institutes to pursue the wide dissemination of their work on migration and asylum and urges them to invite politicians to publicly debate the issue of migration and asylum.
13. In light of the various issues raised in this Resolution, the Assembly favours the development of a parliamentary co-operation project with national parliaments on the role of political parties as guarantors of democratic security in Europe and promoters of a pluralistic political offering on the theme of migration and asylum, in full compliance with the norms and values of the Council of Europe.
14. The Assembly calls for greater pan-European co-operation against hate speech and discrimination covering, *inter alia*, the treatment of the theme of migration and asylum during election campaigns. Such co-operation could involve the Organisation’s competent entities and its partners, such as the Fundamental Rights Agency of the European Union (FRA), the European Network of National Human Rights Institutions (ENNHRI), the European Network of Equality Bodies (EQUINET) and the OSCE/ODIHR.