

## INCEPTION

Integrating standards from the Council of Europe into the EU  
Enlargement Policy: a discourse analysis



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## **Abstract**

This research explores the interplay between the Council of Europe and the European Union within the context of EU Enlargement policy, focusing on the diffusion and visibility of Council of Europe standards and discourses within European Union Progress Reports. The paper scrutinizes how the Council of Europe's emphasis on democracy, human rights, and the rule of law is visible in the European Union's assessment of candidate countries, reflecting the Council of Europe's enduring yet underestimated influence on European integration.

Employing a discourse and narrative analysis methodology, this study aims at systematically examining European Union Progress Reports and Council of Europe documents and its Monitoring Bodies' reports, uncovering the extent to which Council of Europe principles guide European Union evaluations. The analysis reveals a complex picture of alignment and occasional divergence, suggesting both the adoption of such standards by the EU and the challenges in translating these into the European Union's Enlargement framework. The paper finds that while the Council of Europe's influence is present, its impact varies across different policy areas and Member States due to the dynamic nature of European Union policy processes and the political landscape of candidate countries.

This investigation contributes to the broader discourse on institutional interplay within European governance, highlighting the role of international organizations in shaping national policies through mechanisms of policy diffusion, organizational dependence, and normative influence. By mapping the contours of this interaction, the research not only enhances the overall understanding of the Council of Europe's role in shaping European Union policies but also provides insights into the complexities of policy transmission and adaptation in an expanding Europe.

*Keywords:* European Union, Council of Europe, Enlargement Policy, discourse analysis, Monitoring Bodies.

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## **List of abbreviations**

CoE	Council of Europe
CM	Committee of Ministers
ECHR	European Court of Human Rights
EEP	European Enlargement Policy
ENP	European Neighbourhood Policy
EU	European Union
GRECO	Group of States against Corruption
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
MS	Member States
NATO	North Atlantic Treaty Organization
NGO	Non-governmental Organization
PDT	Policy Diffusion Theory
PTEF	Persons with Top Executive Functions
RDT	Resource Dependency Theory
SG	Secretary General
TPV	Three Pillar Values, relating to human rights, democracy, and rule of law

# 1. Introduction

In the aftermath of a war-ravaged Europe, a vision emerged—one of unity, peace, and shared prosperity. This vision, championed by the founding fathers of Europe, gave birth to two pivotal institutions: the **Council of Europe** (CoE) and the **European Union** (EU) – at the time the European Community. These organizations, conceived from a common ambition to prevent the perils of a divided continent, have since navigated a complex relationship of cooperation and competition<sup>1</sup>.

This paper explores the intricate interaction between the CoE and the EU, particularly in the realm of Enlargement Policy. While both institutions are united by foundational principles of human rights, democracy, and the rule of law, their operational dynamics reveal a fascinating dichotomy. My analysis delves into the ways in which the CoE's discourses not only permeate but also profoundly influence the EU's strategies for evaluating candidate countries' progress. Despite perceptions of the CoE's waning influence, I argue that it continues to play a critical role in shaping EU policies—especially those related to Enlargement.

Central to my thesis, the CoE and the EU exemplify the dual forces of collaboration and competition. The relevance of candidate countries in this discourse is particularly telling. Positioned at the crossroads of aspiring for EU membership and adhering to CoE conventions, these states provide a unique lens through which the integration of CoE standards into EU accession criteria can be examined<sup>2</sup>.

Through discourse and narrative analysis and the lenses of Resource Dependency Theory, Institutional Theory and Policy Diffusion Theory, the following paper will scrutinize the visibility and influence of CoE discourses within EU's policy mechanisms, emphasizing the importance of a Europe without dividing lines—a vision continuously reinforced through increased collaboration on joint projects. By exploring the significance and the practical effects of such cooperation, this

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<sup>1</sup> Bond. (2016).

<sup>2</sup> Davinić. (2017).

study seeks to offer a fresh perspective on the dynamic interplay that defines the relationship between these two cornerstone institutions of Europe.

## **2. Statement of the problem and research question**

Despite common perceptions that cast the CoE as a lesser counterpart to the EU<sup>3</sup>, this research aims to challenge and deepen the understanding of the CoE's influence on EU policies. This is particularly relevant within the context of the EU Enlargement Policy. By acknowledging the capacity of international institutions to impact the decisions of domestic actors<sup>4</sup>, it follows that institutions like the CoE might similarly exert influence on the behaviour and decisions of actors in the intra-EU decision-making process, contributing to the evolving field of institutional interplay<sup>5</sup>. This study explores this potential influence, contributing to broader discourse on interactions within European governance.

The CoE's Monitoring Bodies frequently collaborate with the EU, offering expertise that shapes policy formulation<sup>6</sup>. This research delves into how the discourses from these bodies are reflected within EU strategies, particularly in the realm of Enlargement. The CoE not only acts as a crucible for democracy, providing fundamental principles upon which the EU builds many of its policies but also continues to play a vital role in directing the trajectory of European integration. Given its focus on promoting the Three Pillar Values (TPV) - Rule of Law, Democracy, and Human Rights - this paper aligns its research question with these themes, seeking to uncover the extent of CoE's impact. In the specific context of Enlargement, this study aims to illuminate the visibility of CoE discourses in the EU's evaluation processes for candidate countries. It is within this framework that the following research question is posed:

**Research Question: *How visible are the findings of the CoE in the EU Progress Reports within the Enlargement countries?***

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<sup>3</sup> Schumacher. (2012).

<sup>4</sup> Keohane, et al. (1977).

<sup>5</sup> Schumacher. (2012).

<sup>6</sup> Kicker, et al. (2012).

This question is essential because the EU's Enlargement process is not just a matter of policy execution but also a significant area where EU values and standards are tested and demonstrated. Understanding the influence of CoE discourses can provide deeper insights into how these values are interpreted and integrated, impacting the future shape of the Union. By analyzing the EU's Progress Reports through CoE findings, this research can reveal the depth of CoE's impact on EU policymaking, highlight the effectiveness of inter-institutional dialogue, and pinpoint areas where alignment is strongest or weakest.

Such an analysis also helps in understanding the practical implications of adopting international norms and standards at the national level, providing a clearer picture of how institutional interplay influences domestic policy landscapes. This understanding is crucial for formulating strategies that enhance the effectiveness of EU policies, ensuring that they are grounded in robust, internationally recognized standards while being adaptable to the diverse political and social contexts of candidate countries.

### **3. Background**

#### **a. From antechamber to ally: Evolving dynamics between the Council of Europe and European Union**

Despite their shared heritage, the CoE and the EU have developed distinctive models of cooperation, enriched by mutual influences yet with room for improvement. Initially perceived as a precursor to EU membership, the CoE has often been overshadowed by the EU, especially as the latter expanded to include Eastern European countries<sup>7</sup>. This dynamic has positioned the CoE as an 'antechamber' for EU membership, with candidate countries often prioritizing EU conditionality over CoE commitments due to the political and economic influence of the former<sup>8</sup>.

This perception of the CoE as a lesser entity is further complicated by its limited legislative powers compared to the EU. The CoE primarily influences through conventions and resolutions that

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<sup>7</sup> De Schutter. (2007).

<sup>8</sup> Schumacher. (2012).

require voluntary compliance from Member States (MS), focusing on the TPV. In contrast, the EU possesses legislative capabilities that allow it to enact binding legislation across its MS<sup>9</sup>.

Despite these challenges, the relationship between the two institutions has evolved. Notably, the 2007 Memorandum of Understanding between the EU and the CoE has formalized coordination and cooperation, recognizing the CoE's role in setting standards for human rights and democracy across Europe<sup>10</sup>. This agreement reinforces EU values and promotes stability and prosperity across Europe.

The forthcoming accession of the EU to the European Convention on Human Rights represents a significant development in their relationship, extending the jurisdiction of the CoE's Court of Human Rights to EU legislation, thus deepening their interaction<sup>11</sup>.

## **b. Gatekeepers of integration: Council of Europe and EU Enlargement**

Central to this paper's analysis is the European Enlargement Policy (EEP), as my research focuses on countries currently involved in the process of accession to the EU. The pivotal prerequisite for accession to the EU hinges upon prospective entrants aligning with the political, economic, and *acquis* criteria delineated by the Copenhagen European Council in June 1993<sup>12</sup>. The implementation of the EEP aims to foster crucial values such as democracy, peace, and stability in European nations. The historical trajectory of EU Enlargement, spanning seven rounds and transforming the Union from six to twenty-seven MS, underscores its fundamental role in shaping the Union's development. The most recent accessions predominantly involve countries formerly under communist rule in Eastern Europe<sup>13</sup>. At present, **Montenegro, Serbia, Albania, North Macedonia, Georgia, Ukraine, Moldova, Bosnia and Herzegovina** and **Türkiye**<sup>14</sup> stand as

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<sup>9</sup> Juncker. (2006).

<sup>10</sup> CoE. (2007).

<sup>11</sup> EU. (2007).

<sup>12</sup> Hillion. (2014).

<sup>13</sup> Ibid.

<sup>14</sup> The CoE member states not part of the EU are: Albania, Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Liechtenstein, Republic of Moldova, Monaco, Montenegro, North Macedonia, Norway, San Marino, Serbia, Switzerland, Türkiye, Ukraine, United Kingdom.



candidates for membership, while Kosovo holds potential candidate status, contingent upon its adherence to the conditions specified in Article 49 of the Treaty on EU<sup>15</sup>.

Within the extensive body of literature and research concerning the EU's Enlargement process and the numerous theories expounded by scholars, my research puzzle centres on an exploration of the role played by the CoE- an institution deeply rooted in the TPV, constituting the foundational tenets of the Copenhagen criteria<sup>16</sup>. I seek to investigate how the CoE's various bodies assume a pivotal role in the evaluation of these values, through its expertise. Drawing on its extensive experience, the CoE has developed a comprehensive set of structures dedicated to monitoring human rights in compliance within its MS. This paper aims at evaluating whether such Monitoring Bodies serve as a benchmark used as a control instance for access counties and a tool for collaboration and policy diffusion between the CoE and the EU.

## **4. Literature reviews**

### **a. The Council of Europe's important role in shaping EU policies on Democracy, Rule of Law, and Human Rights...**

The EU frequently engages with a variety of external institutions to inform its policies and strategies. This practice is highlighted in scholarly research that explores how the EU systematically incorporates expertise and data from other international and regional bodies to enhance its policymaking process. This inter-institutional cooperation is notable in many areas such as security and defence.

In security and defence, scholars like Cross<sup>17</sup> discuss the EU's collaboration with NATO and other defence-related institutions. Her research outlines how the EU often relies on intelligence sharing and strategic expertise from NATO to inform its own security policies, particularly those related to collective defence and crisis management. This collaboration is crucial in areas where the EU

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<sup>15</sup> EU. (2024).

<sup>16</sup> Petaux. (2009).

<sup>17</sup> Cross. (2016).

lacks the same level of infrastructure or information as NATO, illustrating the EU's strategic reliance on external partners.

Additionally, one overlooked key area – and the focus of this paper - where the EU often turns to external institutions is in the enforcement and promotion of human rights standards. Eckes<sup>18</sup> discusses how the EU leverages the expertise of other international organizations – in my hypothesis, I will consider the CoE, and particularly the European Court of Human Rights (ECHR) - to align its own legislative framework with established human rights norms. Her findings lead me to suppose that the EU may not only refer to the ECHR's judgments but also integrate CoE standards into its directives and regulations, thereby ensuring that its policies uphold the highest level of human rights protections. In fact, the CoE has long been a cornerstone of the European institutional landscape, playing a crucial role in setting standards on the TPV. Despite perceptions that its influence may be waning in the face of the EU's expanding political and economic power, there remains substantial advocacy supporting the relevance of the CoE. This discussion is central to understanding the multifaceted interplay between these two major European institutions<sup>19</sup>.

Juncker's<sup>20</sup> 2006 report on the relationship between the CoE and the EU highlights the historical and ongoing contributions of the CoE to a more cohesive European project. He emphasizes that despite the EU's capacity to operationalize policy across its MS, the CoE's expertise in standard-setting remains invaluable, particularly in areas of governance that require an approach to human rights and legal standards<sup>21</sup>. The report suggests that while the EU may appear more dominant, the foundational principles and detailed oversight provided by the CoE continue to influence EU policies significantly.

The Memorandum of Understanding between the CoE and the EU in 2007 further cements the argument for the former's enduring influence. This agreement explicitly recognizes the CoE's role in setting comprehensive standards that the EU respects and integrates into its own policy framework, particularly within the realms of human rights and democratic governance<sup>22</sup>. This formal recognition underscores the strategic partnership that enhances the EU's legislative and

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<sup>18</sup> Eckes. (2012).

<sup>19</sup> Ibid.

<sup>20</sup> At the time Luxembourg Prime Minister.

<sup>21</sup> Juncker. (2006).

<sup>22</sup> CoE. (2007).

policy formulation processes, ensuring that they are aligned with broader European values that the CoE upholds.

Scholarly analyses support this view by examining the integration of CoE standards into the EEP. Scholars like Brummer and Sedelmeier have discussed at length the mechanisms through which the CoE influences EU policies. For instance, Brummer<sup>23</sup> illustrates how the EU leverages the CoE's monitoring and reporting mechanisms to assess candidate countries' adherence to the values deemed essential for EU membership. These assessments play a crucial role in the EU's Progress Reports, which are critical tools for evaluating the readiness of countries to join the EU. He argues that reports often draw directly from CoE findings, particularly in areas related to judicial reform, anti-corruption measures, and human rights protections.

Furthermore, to strengthen my hypothesis, the CoE's role extends beyond mere advisory capacity; it actively engages in policy diffusion across Europe. By establishing conventions and frameworks such as the European Convention on Human Rights, the CoE creates norms that become benchmarks for EU legislation and policy. This normative diffusion is evident in the EU's incorporation of CoE standards into its *acquis communautaire*, the body of common rights and obligations that bind all EU MS<sup>24</sup>.

Moreover, studies focusing on the European Neighbourhood Policy (ENP) reveal that CoE standards frequently serve as benchmarks against which the EU measures reforms in neighbouring countries. These benchmarks ensure that reforms in European Neighbourhood Policy countries align with the broader European commitment to democratic values and legal standards, a process that significantly benefits from CoE expertise and its extensive experience in monitoring and evaluating human rights practices across Europe. The practical impact of CoE's contributions is also evident in joint programs and initiatives that address specific governance challenges in potential EU MS. For instance, programs targeting judicial reforms, media freedom, and civil society development often rely on CoE standards and reports to shape their objectives and measure their success. This collaborative approach not only bolsters the EU's policies but also amplifies the CoE's role in shaping the political landscape of Europe<sup>25</sup>

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<sup>23</sup> Brummer. (2010).

<sup>24</sup> Sedelmeier. (2011).

<sup>25</sup> Freyburg, et al. (2009).

Policy diffusion is also facilitated through various CoE-led initiatives that offer training, expertise, and resources to MS, helping them align their policies with European standards. For instance, the Venice Commission, an advisory body of the CoE, plays a vital role in providing legal expertise to countries undergoing constitutional reform. These initiatives profoundly shape legal framework of countries seeking EU membership.<sup>26</sup>

In addition to these contributions, researchers such as Kochenov have examined the broader implications of external multilateral organizations' influence on EU policies, particularly through the lens of legal harmonization and policy diffusion. Kochenov argues that such institutions' role – CoE in this specific case - extends beyond advisory to that of a norm-setter, whose principles and legal standards are diffused across EU policies, reinforcing the EU's commitment to upholding the TPV standards within and beyond its borders<sup>27</sup>.

Moreover, the CoE has been instrumental in resource allocation. Through joint programs with the EU, such as those aimed at strengthening judicial systems and fighting corruption, the CoE shares its expertise and helps direct financial and human resources to critical areas in candidate countries. These programs often receive significant funding from the EU, which acknowledges the CoE's capability to implement reform-oriented projects effectively<sup>28</sup>.

For many scholars<sup>29</sup>, the CoE plays a pivotal yet often underappreciated role in shaping EU policies, particularly through its substantial contributions to the EU's institutional and policy frameworks. This influence is crucial in areas such as the TPV. The CoE's reservoir of expertise and experience is a fundamental resource for the EU, particularly in managing transition processes in the former Soviet bloc. The mechanisms through which the CoE influences the EU extend beyond simple consultations, encompassing a broad spectrum of interactions that enrich EU policies and enhance their implementation across diverse geopolitical landscapes.

The European Commission, in its role as the executive body of the EU, actively engages in sourcing expertise from the CoE to bolster its policy-making capabilities. The European Commission, recognizing the understanding and the depth of expertise housed within the CoE,

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<sup>26</sup> CoE. (2024).

<sup>27</sup> Kochenov. (2007).

<sup>28</sup> Magen. (2006).

<sup>29</sup> Schumacher. (2012).

strategically harnesses this knowledge to bolster its own policy initiatives, acting as a ‘hunter-gatherer’ of information, seeking out and integrating expertise from surrounding institutions to refine and enhance its policy frameworks. This interaction is not merely supplementary but central to the formulation and execution of EU strategies, particularly in regions where the CoE has a long-standing presence and well-established relationships. The CoE’s deep roots in Eastern Europe and the South Caucasus provide it with key insights into the political and social dynamics of these regions, which are invaluable to the EU’s ENP launched since its very beginning in 2004. This policy aims to foster political reform and good governance in these areas, necessitating a deep understanding of local contexts—a knowledge base where the CoE excels<sup>30</sup>.

From a practical perspective, leveraging the CoE’s accumulated knowledge and normative frameworks is both cost-effective and appropriate for the EU. Developing similar capacities from scratch would not only entail significant expense but also the duplication of efforts, potentially leading to inefficiencies. Furthermore, there is an element of appropriateness in utilizing established standards and benchmarks that have been developed through extensive consultation and experience by the CoE. This approach not only enriches the EU’s policy arsenal but also ensures consistency and continuity in the promotion of European values<sup>31</sup>. The ongoing interactions between the CoE and the EU are facilitated through various formal and informal channels, including Quadripartite Meetings, senior officials’ meetings, and direct exchanges among desk officers. These interactions foster a collaborative environment where trust and mutual understanding are developed over time. Staff mobility between the two institutions also contributes to a seamless transfer of ideas, standards, and procedural knowledge, enhancing the coherence and effectiveness of policy initiatives across the European continent<sup>32</sup>.

The influence of the CoE extends beyond mere content; it also impacts the scope and reach of EU policies. An illustrative case is the CoE’s successful advocacy to delineate the mandate of the EU’s Fundamental Rights Agency, ensuring that the CoE’s competencies in human rights monitoring and promotion were not encroached upon by this EU body<sup>33</sup>. This instance demonstrates the CoE’s

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<sup>30</sup> Barnett, et al. (2004).

<sup>31</sup> Börzel, et al. (2016).

<sup>32</sup> Schumacher. (2012).

<sup>33</sup> Ibid.

active role in safeguarding its distinct institutional identity and areas of expertise, even as it collaborates closely with the EU<sup>34</sup>.

Moreover, Brosig's perspective highlights that interactions are not coincidental but deeply embedded within the institutions' mandates and influenced by external geopolitical and policy pressures<sup>35</sup>. This approach helps in understanding the strategic motivations behind the CoE's activities and its relationship with the EU, particularly in areas where their policies and goals overlap. The CoE's role in complementing EU initiatives, especially in the realms of the TPV is prominently featured. Brosig notes that the CoE's established expertise and normative frameworks significantly enhance the EU's policy mechanisms, particularly through cooperative endeavours such as joint monitoring and standard-setting initiatives. This cooperative stance is essential not only in pooling resources but also in avoiding unnecessary duplication of efforts, thereby increasing institutional efficiency<sup>36</sup>. The division of labour between the CoE and the EU is another critical area of interaction. Brosig articulates that while there are areas of overlap, a clear division of labour often exists where each institution has carved out a niche that leverages its unique strengths and capabilities. For example, the CoE's pioneering frameworks in social and cultural rights often serve as a basis upon which the EU builds more comprehensive policies. This synergy allows for enhanced policy efficacy and broader reach, reinforcing the CoE's relevance in shaping EU policies<sup>37</sup>.

### **b. ...whose role as policy-maker may be in the shadows**

On the other hand, other scholars critique the argument that the CoE is particularly relevant in the face of the EU's expansive capabilities and influence. In fact, the CoE and the EU have some overlapping functions, particularly in the TPV, leading to potential inefficiencies and a dilution of the CoE's influence. The EU's robust institutional mechanisms and legal frameworks often cover similar ground as the CoE, but with greater enforcement capabilities, thus overshadowing the CoE's contributions<sup>38</sup>. This redundancy not only leads to functional overlaps but also raises

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<sup>34</sup> Konrad Adenauer Stiftung. (2006).

<sup>35</sup> Brosig. (2016).

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Joris, et al. (2008).

questions about the necessity and distinctiveness of the CoE's role in areas where the EU has established a dominant presence.

Secondly, despite its foundational role in promoting human rights and democratic principles across Europe, the CoE is increasingly viewed as an antechamber to the EU. This perspective is supported by the EU's more pronounced role in regional politics and policymaking, which tends to absorb attention and resources that might otherwise be directed toward independent initiatives of the CoE<sup>39</sup>. The perception of the CoE as an "antechamber" to the EU is not unfounded. This term suggests a preliminary phase where MS are groomed to meet more stringent and binding requirements of EU accession. As highlighted in various academic analyses, including Ratsiborynska, the CoE's role in promoting norms and values in Central and Eastern European countries is often framed within the context of these nations' aspirations for EU membership<sup>40</sup>. The CoE's impact, while substantial in norm-setting and democratic consolidation, is seen through the prism of preparing countries for eventual integration into EU structures, rather than as an endpoint or a powerful entity in its own capacity.

Joris and Vandenberghe also point out the CoE's relative weakness in terms of budget and institutional structures compared to the EU. These limitations constrain the CoE's ability to exert substantial influence or carry out extensive independent operations, thereby diminishing its significance on the European stage where the EU commands greater resources and political clout<sup>41</sup>.

These limitations position the CoE more as a normative influencer, whose recommendations and frameworks serve as guidelines rather than binding directives, critics argue. The CoE's reliance on soft power through non-coercive means, such as recommendations and conventions, further cements its role as an advisory body. Despite tools in consensus-building and promotion of shared values, the CoE's advisory capacity lacks enforcement power of EU frameworks, often sidelining it to a secondary role in influencing national policies<sup>42</sup>.

Hoffmann-Riem highlights that the CoE's reliance on soft power mechanisms, such as advisory declarations, conventions, and the promotion of standards, which lack compulsory enforcement

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<sup>39</sup> Ibid.

<sup>40</sup> Ratsiborynska. (2016).

<sup>41</sup> Ibid.

<sup>42</sup> Streinz. (2013).

capabilities, inevitably places the CoE in a position where its influence is inherently limited to persuasion and voluntary compliance<sup>43</sup>. In his analysis, Hoffmann-Riem specifically references the work of the Venice Commission, an advisory body of the CoE known for its legal opinions on constitutional matters. While the Commission is respected for its expertise, its recommendations are advisory and lack legal binding force. This characteristic exemplifies the broader limitations faced by the CoE in influencing substantive legal and political reforms in its MS. The Commission's influence, therefore, is indicative of the CoE's broader role: influential in shaping discussions and norms but limited in enforcing these norms<sup>44</sup>.

Moreover, the framework of cooperation between the CoE and the EU, while theoretically robust, in practice often results in the CoE playing a secondary role to the EU. The EU's expansion and increasing competence in areas traditionally dominated by the CoE, like the TPV, complicate this relationship further and sideline the CoE's role<sup>45</sup>.

These points collectively argue that while the CoE continues to play a crucial role in setting standards and promoting values across Europe, its impact and operational capacity are increasingly overshadowed by the EU's dominant structures and capabilities. The perception of the CoE as a preparatory step towards EU integration rather than a powerful entity in its own right highlights the challenges it faces in maintaining relevance in a rapidly integrating Europe. This state of the art aligns with the critiques suggesting that the CoE's significance might be waning in the shadow of the EU's expansive reach and influence.

On that basis, the question my paper addresses is to assess whether the CoE plays a key role in setting standards and promoting democratic values across the continent, although its influence is significantly moderated by the expansive reach and regulatory might of the EU.

## **5. Theoretical framework**

The theoretical frameworks outlined in this section draw from diverse strands of political science, each contributing unique insights into the dynamics of international relations and organizational

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<sup>43</sup> Hoffmann-Riem. (2014).

<sup>44</sup> Ibid.

<sup>45</sup> Ratsiborynska. (2016).



behaviour. These lenses will be central to assess how visible the findings of the CoE are within the EU Progress Reports.

### **a. Resource Dependency Theory**

**Resource Dependency Theory (RDT)** with its focus on the mutual dependencies organizations have concerning their external environments, offers a framework to dissect the EU's external relations, especially its engagement with the CoE. This theory suggests that organizations do not operate in isolation but are deeply interconnected with and influenced by their surrounding environment, dependent on a variety of resources that span financial capital, expertise, information, and political legitimacy. These resources are not merely supportive but are often critical for the organizations to achieve their objectives and maintain their operations<sup>46</sup>.

Applying RDT to my study sheds light on the symbiotic relationship between these entities, emphasizing how the EEP may be significantly shaped by the resources—particularly the normative frameworks and policy discourses—emanating from the CoE. This perspective suggests that the CoE's contributions in terms of standards and discourses on the TPV are integral resources that the EU draws upon in formulating and refining its Enlargement criteria. The theory posits that the visibility and influence of CoE discourses within EU policy evaluations, especially regarding candidate countries, are indicative of the CoE's impact on the EU's policy-making processes.

In this vein, RDT hypothesizes that a clear correlation exists between the degree of resource exchange—in this case, the exchange of discourses and normative frameworks—and the influence exerted by one organization over another. Therefore, the presence and integration of CoE discourses within the EEP can be viewed as a manifestation of the CoE's significant impact on the EU, affirming the importance of inter-organizational resource dependencies in shaping policy outcomes. This theoretical approach not only enhances our understanding of the dynamics between the CoE and the EU but also highlights broader implications of resource interdependencies among international organizations in the global governance architecture. The EU's recognition of the importance of partnerships, as highlighted in the EU Global Strategy (2016) and the Joint Communication on the EU's Comprehensive Approach (2013), underscores an institutional

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<sup>46</sup> Hillman, et al. (2009).

acknowledgment of the multifaceted nature of contemporary global issues and the need for a collaborative, rules-based approach to tackle them<sup>47</sup>. These policy documents reflect an understanding that success in such endeavours relies significantly on shared responsibilities and pooling of diverse resources.

However, RDT also exposes potential negative aspects of these dependencies. As noted by Hillman, Withers, and Collins, excessive reliance on external resources can lead to a loss of autonomy, where the EU may find itself constrained by the CoE's standards and priorities, potentially leading to conflicts or competition over policy direction and influence. Additionally, the theory underscores risks associated with imbalances in resource exchange, where one entity might exploit the dependency of another for its strategic advantage, potentially leading to a dominance that undermines the collaborative intent of such partnerships<sup>48</sup>.

#### *i. Organizational Dependence*

The concept of **Organizational Dependence**, a core element of RDT, addresses the critical issue of resource scarcity and the resultant compulsion for organizations to engage with external entities to secure essential resources. This reliance shapes the contours of strategic exchanges and collaborations, as organizations navigate the complexities of acquiring resources vital to their survival and success. Within the ambit of RDT, the nature and depth of these inter-organizational interactions are influenced by the specificity, accessibility of resources, and the power dynamics and mutual dependencies that exist between entities<sup>49</sup>.

Organizational Dependence is elucidated through key dimensions such as formalization, intensity, reciprocity, and standardization, which collectively frame the institutional and operational aspects of inter-organizational collaborations. These dimensions offer insights into the degree of formalization in agreements, the intensity of resource exchange, the balance of give-and-take (reciprocity) between organizations, and the extent to which interactions are governed by standardized procedures. This analytical framework enhances our understanding of how

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<sup>47</sup> Smith. (2017).

<sup>48</sup> Ibid.

<sup>49</sup> Pfeffer, et al. (2015).

organizations manage and negotiate their dependencies on external resources, adapting to the complexities of collaborative efforts<sup>50</sup>.

Despite its comprehensive analytical utility, the application of RDT, and by extension, Organizational Dependence, to the dynamics of the EU's engagement with other international organizations remains underexplored in the scholarly discourse of international relations. Yet, the EU's strategic initiatives to forge partnerships across a spectrum of global actors can be interpreted through the lens of Organizational Dependence as a concerted effort to navigate the challenges of global governance in an interconnected world. These partnerships, spanning diverse issues from environmental sustainability to peacekeeping, underscore the EU's acknowledgment of the necessity for collaborative action to tackle global challenges that exceed the capabilities of single entities or nations.

In the realm of EEP, the concept of Organizational Dependence provides a valuable perspective for examining the EU's interactions with the CoE. Given EU's reliance on external resources such as expertise, political legitimacy, and normative frameworks, the relationship with the CoE is emblematic of a strategic endeavour to harness necessary resources for policy formulation and implementation. This perspective posits that the discourses and standards advocated by the CoE serve as critical resources that inform and shape the EEP, reflecting an underlying dependence that influences policy orientation and decisions. This theory suggests that the EU's Enlargement discourse not only incorporates but is potentially shaped by CoE's contributions.

## **b. Institutional theory**

**Institutional Theory** posits that institutions are not merely physical entities but encompass a wider set of cultural norms and practices that guide and constrain behaviour<sup>51</sup>. It suggests that formal and informal rules, routines, and shared beliefs embedded within institutions profoundly influence the decisions and actions of actors operating within their sphere. Thus, Institutional Theory can illuminate how the CoE's standards and discourses on the TPV permeate the EEP, shaping the criteria against which candidate countries are assessed. To further substantiate the traversal of rules, routines, and beliefs from the CoE to the EU, it is crucial to consider the frameworks and

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<sup>50</sup> Ibid.

<sup>51</sup> DiMaggio, et al. (1991).

mechanisms through which this influence occurs. One significant avenue for this transmission is through cooperative meetings and inter-institutional dialogues, where representatives from both institutions collaborate and exchange ideas<sup>52</sup>.

Applying Institutional Theory to the dynamics between the CoE and the EU offers a framework for understanding how the discourses and standards of one institution can become embedded within the policies and practices of another. It could be hypothesized that the CoE's Monitoring Bodies and their discourses on the TPV serve as an institutional normative framework that the EU implicitly or explicitly adopts within its Enlargement Policy. This hypothesis aligns with Meyer and Rowan's notion of *institutional isomorphism*, where organizations within a field become increasingly homogenous over time, adopting similar practices and standards as a response to a shared understanding of legitimate organizational behaviour<sup>53</sup>.

The theoretical proposition that the CoE's discourses are visible and influential within the EEP could be examined through the lens of *institutional legitimacy* and *norm diffusion*. According to Suchman<sup>54</sup>, organizations seek legitimacy by aligning their practices and policies with the norms and expectations of the institutional environment. This could imply that the EU, in its pursuit of legitimacy in the international arena, particularly in the context of Enlargement, may incorporate CoE standards into its policies and criteria to signal its commitment to the TPV.

Furthermore, the analysis of the visibility of CoE discourses in EU policies through Institutional Theory could shed light on the processes of norm diffusion and institutionalization within the EU. As Finnemore and Sikkink<sup>55</sup> argue, norms are diffused through international networks, including intergovernmental organizations, and become internalized within institutional practices. This perspective would suggest that the EEP is not only a reflection of its strategic interests but also of the internalization of CoE norms and standards as a by-product of ongoing interactions. To understand the transmission of norms at the inter-institutional level, it is essential to specify the mechanisms through which this happens. This transmission occurs through cooperative meetings, inter-institutional dialogues, and joint initiatives where representatives from both institutions engage in sustained interactions. These settings provide platforms for exchanging ideas, best

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<sup>52</sup> Schumacher. (2012).

<sup>53</sup> Meyer, et al. (1977).

<sup>54</sup> Suchman. (1995).

<sup>55</sup> Finnemore, et al. (1998).

practices, and policy standards, thereby facilitating the embedding of one organization's norms within the other organization's policies.

In sum, Institutional Theory provides a rich theoretical framework for exploring how CoE contents are visible within the EEP. By focusing on the mechanisms of norm diffusion, institutional isomorphism, and the pursuit of legitimacy, this approach allows for a comprehensive analysis of the inter-institutional dynamics between the CoE and the EU. It enables an exploration of the assumption that the CoE's focus on the TPV has become an integral part of the EU's accession criteria, thus influencing the outcome of Enlargement processes and the shaping of European integration.

### **c. Policy Diffusion Theory**

**Policy Diffusion Theory (PDT)**<sup>56</sup>, with its focus on how policies, practices, and ideas spread across different jurisdictions and organizations, suggests that policy innovations are not developed in isolation but are influenced by the practices and standards of other entities through various mechanisms such as learning, emulation, competition, and coercion<sup>57</sup>.

In the context of the EU's Enlargement, PDT could elucidate how CoE's discourses and standards on TPV are incorporated into the EU's criteria for accession. This process could be driven by the EU's desire to align with recognized standards of governance and human rights, embodying a form of normative emulation where the EU seeks to reflect the values and practices endorsed by the CoE. Alternatively, learning mechanisms could be at play, where the EU, through its interactions with the CoE, adopts specific standards based on their perceived effectiveness in promoting the TPV.

Furthermore, the competitive pressures within the European continent, to present a united front on fundamental values, might also drive the diffusion of CoE policies into the EU framework. This theoretical perspective underscores the complexity of policy formulation within the EU, highlighting the significance of external influences and the interconnected nature of international norms and standards.

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<sup>56</sup> Braun, et al. (2006).

<sup>57</sup> Simmons, et al. (2006).

Policy diffusion and norm diffusion, while distinct, are interrelated processes crucial for the comprehensive adoption of international standards. Policy diffusion involves the transfer of specific legislative measures and practices, driven by mechanisms such as learning, emulation, coercion, and competition. Contrary, norm diffusion focuses on the spread of ethical standards and shared values through socialization, advocacy, imitation, and the pursuit of legitimacy. The integration of both processes is essential: policy diffusion ensures the implementation of concrete actions, while norm diffusion fosters the internalization of underlying values, enhancing the legitimacy, support, and sustainability of these policies within institutional frameworks.

By applying these theories to the EEP, I aim to uncover the pathways through which CoE's discourses are presented, transferred, and adapted to the EU policy standards.

## **6. Methodology**

### **a. Dunn and Neumann's discourse analysis**

Dunn and Neumann's discourse analysis method, delineated in their seminal work 'Undertaking Discourse Analysis for Social Research'<sup>58</sup>, constitutes a foundational framework for making way into social discourse. This methodology positions discourse as a pivotal element in both the construction and negotiation of social reality. Emphasizing the transformative potential of language, Dunn and Neumann assert its profound influence on power dynamics, identities, and social practices within various contexts. Rooted in the doctrine of Critical Discourse Analysis, their approach draws upon interdisciplinary insights from linguistics, sociology, and cultural studies, weaving together diverse strands of theory and method. In essence, the method champions a multi-dimensional lens through which to examine discourse, calling for a holistic interrogation of both textual and contextual dimensions. Through this lens, I will unravel the interplay of linguistic features, discursive strategies, and socio-political contexts, shedding light on the underlying mechanisms through which discourse operates at international organizations level.

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<sup>58</sup> Dunn, et al. (2016).

Central to their framework is the recognition of discursive power relations, elucidating how language serves to (re)produce social hierarchies and ideologies. Dunn and Neumann's methodology underscores the imperative of reflexivity in the research process, prompting scholars to critically interrogate their own positionalities and biases.

In Dunn and Neumann's framework, '*discourse*' encompasses more than mere linguistic exchanges. They conceive of discourse as a dynamic interplay of language, power, and ideology, emphasizing its role in shaping and reflecting social reality. Discourse, within this framework, serves as a medium through which social actors negotiate meanings, identities, and power relations. It operates not only at the level of individual utterances but also extends to larger structures of communication embedded within social institutions and practices. Moreover, their conception of discourse recognizes its inherently relational nature, highlighting how it is shaped by and in turn shapes social contexts and relations.

Dunn and Neumann's discourse analysis framework provides a robust lens through which to analyse the discourses present in documents issued by CoE and EU. This approach facilitates the identification of underlying power dynamics, ideological positions, and rhetorical devices employed by each institution. By comparing and contrasting the discourses of the CoE and the EU, I will uncover similarities and differences in their approaches to key issues such as human rights, democracy, and rule of law. Such analysis offers valuable insights into the ways in which these institutions construct and negotiate meanings, identities, and social practices within the European context.

## **b. Bamberg's narrative analysis**

Additionally, my paper will complement the approach of Dunn and Neumann with a narrative analysis approach, as outlined by Michael Bamberg in his seminal work<sup>59</sup>, which would provide the foundation for exploring the dynamics of discourse within the EU documents, with a particular focus on how these narratives are influenced by the standards and policies of the CoE.

The *narrative* analysis conducted in my paper is multi-dimensional, scrutinizing how narratives within EU documents construct identities and articulate issues related to TPV. These areas, where

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<sup>59</sup> Bamberg. (2000).

the CoE has exerted considerable influence, are pivotal in assessing how narratives shape and are shaped by broader institutional agendas and cultural values. By examining the construction of these narratives, the study seeks to uncover how they reflect or contest the CoE's input and expertise. Moreover, this method explores inter-narrative relationships within the documents, such as how narratives promoting human rights align or conflict with those concerning other interests. This analysis examines content of the discourses and their interactions in shaping a cohesive or contested policy landscape. Following Bamberg's approach, the research extends beyond mere textual analysis to consider the performative aspects of these narratives in the policy formulation and implementation processes. This involves analysing how narratives are strategically employed to legitimize policies or influence outcomes within the EU, guided by the standards set by the CoE.

An essential aspect of this methodology is reflexivity, a principle emphasized by Bamberg, which necessitates a critical engagement with the researcher's own narrative constructions about the roles of the EU and CoE in European governance. This reflexivity is vital to acknowledge how the researcher's position might influence the interpretation of narratives and, consequently, the outcomes of the research.

## **c. Research Plan**

### *i. Documents preparation*

I will begin by selecting a purposive sample of documents from both the CoE and the EU that are pertinent to my research objectives. These documents will be the 10 Progress Reports of the 10 candidate countries for the year 2023 – as they are the most recent data available ([Albania Report 2023](#); [Bosnia and Herzegovina Report 2023](#); [Georgia Report 2023](#); [Kosovo Report 2023](#); [Moldova Report 2023](#); [Montenegro Report 2023](#); [North Macedonia Report 2023](#); [Serbia Report 2023](#); [Türkiye Report 2023](#); [Ukraine Report 2023](#)) and the relevant Monitoring Bodies reports of the CoE documents, including GREVIO and GRECO country evaluations, Committee of Ministers (CM) Recommendations, and Secretary General (SG) and Commissioner for Human Rights reports. The selected documents are inherent to the discourse around Democracy, Rule of Law and



Human Rights of all the countries considered by this paper and relevant to the research inquiry, thereby capturing the diversity of discourses within each institution.

I will compile the selected documents into a cohesive corpus for analysis, organizing them thematically:

- Democracy Discourses
- Rule of Law Discourses
- Human Rights discourses

I will then proceed by conducting a close reading of the selected documents, paying meticulous attention to linguistic features such as vocabulary choice, and sentence structure. Doing so, I will be able to identify recurring themes, motifs, and discursive patterns within the texts, noting instances of explicit and implicit meaning construction.

*ii. Initial Reading and Segmentation*

Afterwards, I will conduct a thorough initial reading to familiarize with the content and context of the documents. During this phase, I will manually identify and mark text segments that specifically related to resource exchanges and influence dynamics, preparing them for deeper analysis.

*iii. Contextualization*

I will situate the selected documents within their broader socio-political contexts, considering factors such as historical developments, institutional mandates, policy priorities, and prevailing discursive norms. I will examine how contextual factors influence the production, dissemination, and reception of discourse within the CoE and the EU.

*iv. Coding and Thematic Analysis*

I will develop a coding scheme based on emergent themes and discursive elements identified during the textual analysis phase. I will systematically apply the coding scheme to the corpus of documents, categorizing passages according to thematic content, and discursive strategies. This

thematic analysis of the coded data will allow me to identify overarching patterns, discursive frames, and ideological positions within the discourses of the CoE and the EU. In the absence of software, I will manually apply codes to the identified segments. I will develop a set of specific codes representing different aspects of the interaction. Each code will be carefully applied to relevant segments of text to categorize the data based on my analytical focus. After coding the data, I will group related codes into larger themes by examining the relationships and connections among them. This step will involve synthesizing the codes into coherent themes that capture the broader patterns and dynamics of CoE and EU interactions.

v. *Comparative Analysis*

I will compare and contrast the discourses present in documents from the CoE and the EU, focusing on similarities and differences in language use, discursive strategies, and ideological positions when referred to Democracy, Rule of Law and Human Rights.

vi. *Interpretation and Conclusion*

Finally, I will interpret the findings of the discourse analysis in relation to the research question. By following this step-by-step methodology, I will be able to systematically analyse the discourses present in documents issued by the CoE and EU, thereby illuminating how the discourse of the former influences the one of the latter.

vii. *Limitations*

Despite the strengths of this methodology, several limitations must be acknowledged. Firstly, the subjective nature of discourse and narrative analysis can introduce researcher bias, potentially influencing the interpretation of the data. Secondly, the selected documents, while comprehensive, may not encompass the entire spectrum of relevant discourses, potentially omitting significant perspectives or developments. Thirdly, the manual coding process, due to the absence of specialized software, may limit the efficiency and consistency of the analysis. Finally, the focus on textual documents means that other forms of discourse, such as verbal communications and informal interactions, are not captured, which could provide additional insights into the dynamics

between the CoE and the EU. Despite these limitations, the chosen methodologies provide a robust framework for exploring the complex interplay of institutional discourses.

## 7. Analysis

The analysis I conducted will unfold through a meticulous threefold approach, systematically dissecting the discourse surrounding the Three Pillar Values of the CoE: Democracy, Rule of Law, and Human Rights. Each of these pillars will be operationalized through a specific sub-pillar that resonates with the broader discourse of its corresponding main pillar. Specifically, “freedom of expression” will serve as the sub-pillar for democracy, “corruption” for the rule of law and “gender equality” for human rights. Democracy fundamentally hinges on the free exchange of ideas and the ability of citizens to engage in open dialogue without fear of reprisal. Freedom of expression is often viewed as a litmus test for the health of a democracy<sup>60</sup>. Secondly, the rule of law entails that every citizen, including leaders, is accountable under the law, which is directly undermined by corruption. Addressing corruption is thus pivotal in strengthening the rule of law<sup>61</sup>. Thirdly, gender equality is a critical aspect of human rights, addressing inherent rights of individuals regardless of gender, promoting equity across all societal dimensions, which is a fundamental human right<sup>62</sup>. This delineation allows for a focused examination of how these fundamental principles are articulated and manifested within the EU’s policies and discourses.

For each sub-pillar, a detailed analysis will be conducted to see the underlying patterns present in the EU’s reports, to define the EU’s engagement with these critical areas and its discourse on the theme. Following this, a parallel investigation will explore how these themes are reflected within the CoE’s documents, identifying points of convergence and divergence in the articulation and prioritization of these issues. At the end, the culmination of this analysis for each sub-pillar will be a comparative examination of the discourses identified in the EU and CoE documents. Upon the completion of the analyses across the three sub-pillars, the paper will present final considerations that synthesize the findings from these individual examinations. This concluding

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<sup>60</sup> Keane. (2013).

<sup>61</sup> Rose-Ackerman, et al. (2016).

<sup>62</sup> Charlesworth, et al. (2000).

analysis will offer a holistic view of the state of discourses on the TPV within the context of the EU's Enlargement Policy, as influenced by the CoE.

### **a. Democracy: Freedom of Expression**

In the following section, I have chosen to operationalize the first pillar of the CoE – the concept of "democracy" - through the lens of "freedom of expression," a critical topic in assessing democratic integrity. Freedom of expression is fundamental to democracy because it fosters a marketplace of ideas and ensures government accountability. Scholars like Dahl<sup>63</sup> emphasize that without free speech, societies cannot be fully democratic as citizens must be able to freely discuss and critique government actions. Similarly, Sunstein<sup>64</sup> argues that freedom of expression is crucial for the functioning of a democracy, as it enables deliberation, a core requirement for democratic governance. This analysis is structured around three distinct yet interconnected sub-categories, derived from underlying patterns identified in the discourses on freedom of expression in the EU Reports:

- Resilience and Challenges in the Face of Adversity (i);
- Legal and Institutional Constraints (ii);
- Protection, Accountability, and Independence (iii).

By analysing the EU Reports and CoE documents, we gain insights into the current state of the discourses of media resilience, legal constraints, protection mechanisms, and the influences of political dynamics on media landscapes of the two institutions. At the end, a comparative assessment aimed at addressing the research question will be outlined: by juxtaposing the findings from EU Reports against the backdrop of CoE's documented discourses, this section uncovers the visibility exerted by the CoE on the EU and delineates the shades of this impact, including thematic convergences, policy diffusion, and the integration of evaluative frameworks.

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<sup>63</sup> Dahl. (1989).

<sup>64</sup> Sunstein. (1993).

i. *Resilience and Challenges in the Face of Adversity*

A recurring theme across the EU Reports is the resilience of media landscapes in facing political, legal, and societal challenges. This refers to the ability of media to withstand and adapt to various challenges, including how media organizations maintain their integrity, independence, and freedom of expression despite external pressures such as censorship, political interference, or legal constraints<sup>65</sup>. This EU narrative also delves into the challenges encountered in maintaining a free and independent press. Through this lens, this discourse reflects an understanding of the socio-political complexities and the inherent tension between striving for media freedom and facing the obstacles that hinder its realization.

Georgia's media landscape, characterized as “*pluralist but highly polarized*,”<sup>66</sup> serves as clear illustration. The EU report notes that the “*country has made limited progress*” in “*aligning its Law on Broadcasting with the Audiovisual Media Service Directive, enhancing media plurality*”<sup>67</sup>. This statement acknowledges the steps taken towards legislative alignment with European standards and also highlights the enduring polarization that permeates the media sector. The discourse here explores the fine line between recognizing progress and underscoring persistent adversities that compromise integrity and diversity of media representation. The reference to “*public attacks against journalists by high-level officials and politicians, as well as violent far-right groups*”<sup>68</sup> further contextualizes the adversarial environment within which media practitioners operate in the country, accentuating the resilience required to uphold journalistic standards in the face of political and ideological aggression.

Such narrative is further exemplified in the Ukrainian context, where the discourse shifts to the realm of conflict and its impact on media freedom. The report highlights legislative advancements with the adoption of the Law on Media, aimed at “*enhancing media freedom [amid] martial law*”<sup>69</sup>. This legislative effort is presented as a testament to Ukraine's commitment to safeguarding freedom of expression even in the dire circumstances of ongoing conflict. The EU's discourse underscores the remarkable resilience of Ukraine's media landscape, striving for normative

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<sup>65</sup> McQuail. (2010).

<sup>66</sup> EU Report Georgia. (2023).

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> EU Report Ukraine. (2023).

alignment with European directives while grappling with the exigencies of war. This juxtaposition of legislative progress against the backdrop of conflict serves to highlight the challenges faced by the media in maintaining operational independence and journalistic integrity amidst external pressures and uncertainties.

The discourse on *Resilience and Challenges in the Face of Adversity* showcases the EU's method of evaluating freedom of expression, intertwining legislative, social, and political factors to understand the complex influences on media freedom. It offers a reflective analysis on the resilience of media in navigating obstacles to free speech.

Shifting to the analysis of the discourse of *Resilience and Challenges in the Face of Adversity*, present in the CoE's documents, a rich framework of narratives is evident.

The Commissioner for Human Rights of the CoE Dunja Mijatović<sup>70</sup> illuminates the resilience of journalists facing obstacles. She critically evaluates measures implemented to protect journalists, juxtaposing them against persistence of threats that continuously undermine media freedom. It specifically states that “*media professionals described the current environment for their work [...] as toxic and deplored the constant labelling of independent journalists as 'criminals,' 'traitors,' or 'enemies of the state' by public officials, which is then amplified by [...] smear campaigns, aimed at silencing journalists*”. The report underscores the paradox of legislative efforts aimed at safeguarding journalists, which, despite their intentions, fall short in the face of relentless adversities.

Similarly, the CoE<sup>71</sup> elaborates on the ECHR perspectives on media freedom, encapsulating the challenges of balancing this fundamental freedom with other rights. The Court has “*underlined the special role of the press in political debate, noting the importance of freedom of the press as it affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of their political leaders*”. This discourse underscores the Court's emphasis on the paramount role of media freedom in democratic societies, framing the resilience of media

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<sup>70</sup> Mijatović. (2023).

<sup>71</sup> CoE. (2017).

landscapes as crucial for upholding democratic values and human rights amidst competing pressures.

Further, the discourse extends to the examination of media pluralism and the impact of market concentration, as discussed in the Recommendation of the CM to MS on media pluralism and transparency of media ownership<sup>72</sup>. This document highlights concerns over the resilience of diverse media landscapes threatened by economic pressures and trends towards consolidation. It critically engages with the necessity of maintaining media pluralism as a bulwark against the homogenization of media content and perspectives, essential for democracy. It specifically states that MS should examine the possibility of defining thresholds in their law or authorisation, *“licensing or similar procedures to limit the influence [which] a single commercial company or group may have in one or more media sectors”*.<sup>73</sup> Moreover, the governance of public media becomes a focal point of discourse, with the independence of public service media from state influence identified as a key determinant of a media system's resilience. This narrative emphasizes the role of public service media as a stabilizing force within the media ecosystem, capable of ensuring diverse and independent reporting free from political or economic pressures.

Using discourse analysis, the documents depict a narrative of resilience, embodying the CoE's deep involvement with media landscape challenges. They portray persistence as both an inherent trait and a goal requiring targeted efforts, policies, and support to counteract legal, political, and economic hurdles. These discourses underscore the Council's dedication to bolstering media adaptability and upholding essential role of a resilient, diverse press in preserving democracy and human rights.

Overall, the CoE's visibility on EU discourse becomes clear when examining specific textual instances and thematic treatments within EU reports. For instance, the CoE's emphasis on the necessity of safeguarding journalists from public attacks, as highlighted in Mijatović's report on Serbia, resonates directly with similar concerns mentioned in the EU's assessments of media environments in Georgia and Ukraine. Specifically, the EU report on Georgia's media, noting the polarization and public hostility against journalists, mirrors the CoE's concerns almost verbatim,

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<sup>72</sup> CoE, CM. (2018).

<sup>73</sup> Ibid.

indicating a strong influence in how the EU frames its narrative around media adversities. Furthermore, the alignment of legal frameworks discussed in both sets of documents showcases a shared thematic focus but with varied depth. The EU's recognition of legislative efforts in Ukraine for enhancing media freedom under martial law parallels the CoE's broader legal discourse. However, the EU's focus tends to be more on the implementation effectiveness than the CoE's broader human rights principles, suggesting a solid adoption of CoE themes based on practical considerations within EU policies. This selective integration, aligning closely with the RDT, illustrates how the EU may depend on the CoE's established frameworks and discourse to bolster its own policies and reports. This dependency is not uniform but varies depending on the specific media landscape and current political climates within EU candidate countries.

ii. *Legal and Institutional Constraints*

The discourse on *Legal and Institutional Constraints* encapsulates the EU's critical stance towards the frameworks that either bolster or hinder the exercise of freedom of expression across various states. This narrative elucidates the multifarious legal and institutional hurdles that curtail media freedoms, underscoring the EU's concern for the alignment of national laws with international standards and the broader implications of these constraints on democratic values and human rights.

Türkiye's situation serves as a case study of how legislative instruments can be wielded to suppress freedom of expression. The report illuminates such concern, noting that Türkiye's situation marks “*a serious backsliding in freedom of expression*”, with increasing restrictions and “*pressures on journalists, human rights defenders, and opposition voices*”<sup>74</sup>. This narrative catalogues instances of repression and critically engages with legislative underpinnings that facilitate such constraints. The mention of “*laws on anti-terrorism and the internet*” as instrumental in “*impeding freedom of expression*”<sup>75</sup> unveils the EU's apprehension towards legal frameworks that ostensibly aim to safeguard national security but, in practice, serve as vehicles for curtailing dissent and silencing critical voices. The discourse here transcends the specifics of the legal provisions to question the

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<sup>74</sup> EU Report Türkiye. (2023).

<sup>75</sup> Ibid.



very architecture of legal governance and its congruence with the fundamental principles of freedom and democracy.

The discourse further delves into the realm of institutional practices and their role in perpetuating or mitigating the constraints imposed by legal frameworks. The narrative around legal and institutional frameworks that either “*support or impede freedom of expression*” highlights an understanding of how institutions operationalize legal mandates, often translating into practices that further entrench restrictions on media freedom. This analysis signifies a deeper critique of not only the laws in the books but also the institutional mechanisms and political will—or the lack thereof—that determine the implementation and impact of these laws. The discourse points to a critical evaluation of the governance structures and their alignment with the ethos of transparency, accountability, and respect for human rights, essential for free and independent press.

The EU discourse on *Legal and Institutional Constraints* critically examines systemic barriers to freedom of expression through a qualitative lens, illuminating the complex trade-off between security and liberty in legal and institutional contexts. It urges a re-evaluation and reform of frameworks to firmly back freedom of expression, advocating for a governance shift that emphasizes human rights and democracy over control and surveillance. Such narrative highlights existing challenges while promoting significant changes in policy and approach.

Similarly, the discourse on *Legal and Institutional Constraints* articulated within the CoE documents illuminates the critical interplay between legal frameworks, institutional practices, and the exercise of freedom of expression across different jurisdictions.

For instance, the analysis of the legislative framework concerning regulatory authorities in the broadcasting sector across CoE MS highlights the importance of an “*appropriate legal framework*”<sup>76</sup> for the independence and proper functioning of these authorities. Yet, it is noted that “*not all broadcasting regulators are established by law as independent authorities*”,<sup>77</sup> and even when they are, the laws may not always “provide an adequate protection for the independence of regulatory authorities,”<sup>78</sup> thus leaving room for political pressure and interference. This critique

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<sup>76</sup> CoE, CM. (2018).

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

underscores a gap between the legal stipulations and their practical enforcement, pointing to the potential for political machinations to impede media freedom.

Similarly, the CoE narrative around as outlined in the Report of the SG of the CoE, stresses that states must “*create an enabling environment for the exercise of this right*”,<sup>79</sup> highlighting the need for legal frameworks that not only exist but are actively implemented and safeguarded against abuses. The document draws attention to the necessity of robust safeguards against the misuse of laws that restrict freedom of expression, such as anti-terrorism laws, thereby emphasizing the delicate balance between security and freedom. The discourse further extends to the operational realities within the media landscape, criticizing the “*threatened*”<sup>80</sup> media pluralism through banning media outlets or refusing license renewals, which starkly demonstrates how legal and institutional mechanisms can be manipulated to suppress dissenting voices or monopolize the media sector. Such practices undermine the plurality essential for democracy and betray a disregard for the underlying principles of freedom of expression and the rule of law.

Through these CoE documents, a clear pattern emerges outlining that while the foundational laws may often be in place, their implementation, oversight, and the political will to uphold them in spirit, not just in letter, are equally crucial.

To compare the two institutions on *Legal and Institutional Constraints*, the EU's critical stance on legal frameworks that both support and hinder media freedom resonates strongly with CoE's established concerns about the integrity and efficacy of legal institutions in safeguarding freedom of expression. The EU report on Türkiye, which highlights the restrictive use of anti-terrorism laws and internet regulations to suppress freedom of expression, echoes the CoE's broader discourse on the necessity of legal safeguards that balance security with fundamental human rights. This thematic parallel, as found in the CoE's analysis in the SG Report 2023, underscores the critical view that legal instruments, while ostensibly protective, often serve as vehicles for political control. The EU's engagement with these themes shows a clear reflection of CoE's influence in framing the complexities of legal governance in relation to freedom of expression. Further, the EU's discussion on the operational challenges in institutional practices, emphasizing the translation

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<sup>79</sup> CoE, SG. (2023).

<sup>80</sup> Ibid.

of legal mandates into restrictive actions, mirrors the CoE's critique outlined in CM Recommendation. This document points to discrepancies between the ideal of legal independence for broadcasting regulators and the reality of inadequate legal protections, which may allow for political interference. The EU's parallel narrative around the constraints imposed by such institutional frameworks demonstrates a substantive alignment with CoE's discourse, suggesting a significant cross-pollination of ideas and concerns regarding the implementation and impact of laws on media freedom. The visibility of CoE's discourses on EU discourse is evident not just in thematic alignment but also in the critical approach both bodies adopt towards evaluating the congruence of legal frameworks with democratic values and human rights. Both the CoE and EU reports highlight the urgent need for re-evaluation and reform of legal and institutional frameworks to better support freedom of expression and uphold democratic governance.

*iii. Protection, Accountability, and Independence*

The discourse surrounding ***Protection, Accountability, and Independence*** within the EU's assessments of various candidate countries' approaches to freedom of expression underlines a critical narrative that intertwines the safeguarding of journalists with the mechanisms in place to ensure perpetrators of violations against the press are held accountable. This narrative reveals a concern for the physical safety of media professionals and the broader implications of impunity for crimes against them. A pattern emerges across several EU reports, showcasing both efforts and significant gaps in ensuring protection and accountability, fundamental to free press. Additionally, the EU's reports present a critical examination of how political dynamics intersect with media landscapes, influencing the freedom and integrity of expression across various countries. This narrative thread uncovers the ways in which political entities exert control or sway over media narratives, creating environments of polarization that challenge the foundational principles of a free press.

Serbia's context exemplifies the EU's discourse on efforts towards enhancing protections, acknowledging “*the implementation of some legislative and institutional measures [...] to protect journalists*”<sup>81</sup>. However, the narrative critically underscores a prevailing environment where

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<sup>81</sup> EU Report Serbia. (2023).

*“threats and cases of physical and verbal violence persist”*,<sup>82</sup> indicating a gap between legislative frameworks and their practical, protective outcomes. Such duality within this discourse reflects a broader trend where commitments to protection are not fully realized in practice, underscoring a need for more effective enforcement and a cultural shift towards valuing press freedom.

Montenegro's situation further elaborates on this discourse, with the EU report noting that *“new cases of violence against journalists received prompt responses”*<sup>83</sup>, yet highlighting a deficiency in *“effective judicial follow-up of old cases”*<sup>84</sup>. This narrative juxtaposition within the EU's discourse emphasizes a pattern of immediate yet fleeting responses to violations against journalists, pointing to a deeper issue of sustained accountability and the long-term protection of media freedom. Additionally, In Montenegro, the EU report describes the media environment as *“politically polarized”*<sup>85</sup> pointing out the challenges this poses to media integrity and professionalism. This example encapsulates a broader discourse trend, where political affiliations and influences shape media content, leading to polarization. The EU's narrative here underscores the necessity for media to navigate political influences while striving to maintain editorial independence and objectivity.

The discourse on protection and accountability takes on a similar dimension in Kosovo, where an *“increase in cases of intimidation, threats, and attacks against journalists, particularly targeting women journalists”*<sup>86</sup> is noted. This specificity not only broadens the discourse to include the gendered nature of threats against the press but also underscores a persistent challenge in safeguarding journalists from both physical harm and psychological intimidation. The mention of derogatory public statements from officials further contextualizes the threats within a systemic issue of official attitudes that may implicitly condone or fail to decisively condemn actions against the press.

The EU reports consistently show a gap between stated commitments to journalist safety and their partial execution, pointing out a universal struggle in converting protective laws into actual security for journalists. Additionally, the EU's broader focus on the institutional and societal

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<sup>82</sup> Ibid.

<sup>83</sup> EU Report Montenegro. (2023).

<sup>84</sup> Ibid.

<sup>85</sup> EU Report Montenegro. (2023).

<sup>86</sup> EU Report Kosovo. (2023).

factors that affect accountability, especially highlighted through the need for judicial follow-up in Serbia and Montenegro and systemic intimidation in Kosovo, suggests a demand for significant reforms. This narrative advocates for a comprehensive approach to reforming governance structures to better protect journalists and maintain freedom of expression. Finally, the EU's discourse consistently points to the detrimental effects of political polarization on the quality of democratic discourse, media integrity, and public trust in media institutions.

On the other hand, on the discourse on *Protection, Accountability, and Independence* within the CoE evaluations of MS' adherence to freedom of expression standards, a critical narrative emerges, interlacing the safeguarding of journalists with the implementation of mechanisms to ensure accountability for violations against the press. Additionally, the CoE's assessments, strongly oppose to political forces shaping media narratives, and fostering environments where polarization challenges the essence of press freedom, a foundational pillar of democracy. This discourse is instrumental in understanding the common patterns and concerns expressed by the EU regarding the integrity of media.

The Recommendation of the CM of 2022<sup>87</sup> delineates the CoE's stance on promoting a conducive environment for quality journalism, asserting that “*journalists seeking to provide accurate and reliable information in accordance with the standards of the profession enjoy the highest protection under Article 10 of the Convention*”<sup>88</sup>. This establishes a foundational discourse within the CoE that not only values but actively seeks to protect journalistic freedom as a cornerstone of democracy.

Moreover, in Kosovo, Serbia, and Montenegro, the CoE's<sup>89</sup> discussions reveal a landscape marked by political pressure, legal challenges, and at times, physical threats that journalists face while performing their duties. These narratives are not just isolated incidents but part of a broader, more distressing pattern of threats to media freedom and expression within these areas. The report highlights instances such as the alarming trend of judicial harassment and the misuse of legal frameworks to silence dissenting voices and critical media outlets, thereby stifling freedom of expression. For instance, in Serbia, the CoE report underscores the “*intimidation and threats*

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<sup>87</sup> CoE. (2022).

<sup>88</sup> Ibid.

<sup>89</sup> Partner Organisations of the Safety of Journalists Platform. (2024).

*journalists*”<sup>90</sup> face [from both] “*state and non-state actors*”<sup>91</sup>, particularly when covering sensitive topics like corruption or government policy. These challenges are similarly echoed in Montenegro and Kosovo, where political instability and the lack of robust legal protections leave journalists vulnerable to both legal and physical threats.

Further analysis reveals an examination of the challenges faced in translating legislative frameworks into practical protective outcomes, particularly in regions like Serbia. The report of Mijatović<sup>92</sup> sheds light on the persistent threats against journalists, despite “*the establishment of working groups dealing with the safety of journalists*”<sup>93</sup>. This discrepancy between policy intent and reality underscores a critical gap in the protective discourse, where commitments to safeguarding journalists are thwarted by insufficient implementation and a lack of effective enforcement mechanisms.

The discourse is compounded by the findings in the SG Report which documents a disturbing trend of violence against journalists, marked by “*an increasing number of unresolved cases of murdered journalists*”<sup>94</sup> and an escalation in alerts regarding attacks on and intimidation of journalists across Europe. Such observations point to a systemic issue within CoE MS, where the mechanisms in place fall short of addressing, let alone reversing, the rising tide of violence against the press. Moreover, a recurring theme in the CoE's documentation is the detrimental impact of political influence on media independence and the escalation of media polarization. The SG Report explicitly acknowledges the role of “*hate speech by senior politicians and public figures*”<sup>95</sup> in inciting “*violence against journalists and undermining democratic institutions*”<sup>96</sup>. The SG also articulates a vision for media policy aimed at “*ensuring the independence of media and media regulators from government, political or commercial interests*”. This policy direction is crucial for preserving a diversity of viewpoints within the media landscape, thus mitigating the risks of polarization.

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<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Mijatović. (2023).

<sup>93</sup> Ibid.

<sup>94</sup> CoE, SG. (2023).

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

This analysis illuminates a prevailing theme within the CoE's documents: while there is a pronounced commitment to the ideals of press freedom and the protection of journalists, there exists a tangible disjunction between this rhetorical commitment and the practical realities on the ground. The CoE's discourse thus highlights both laudable strides and significant shortcomings in ensuring a safe and conducive environment for journalism. The direct linkage between political rhetoric and violence against the press underscores a critical challenge in maintaining the sanctity of journalistic practice within democratic frameworks. The CoE's discourse also highlights the essential need for a pluralistic media environment that transcends governmental, political, or commercial influences. Echoing this sentiment, the emphasis on protecting the autonomy of public service broadcasting organizations from editorial interference is reiterated. Such protective measures are indicative of the Council's commitment to maintaining editorial independence as a bulwark against political manipulation and media polarization.

In exploring the discourse of *Protection, Accountability, and Independence* within both institutions, a critical narrative emerges that intertwines the safeguarding of journalists with the implementation of effective mechanisms to ensure perpetrators of violations against the press are held accountable. This analysis reveals a shared concern between the two institutions over the physical safety of media professionals and the broader implications of impunity for crimes against them, demonstrating a significant cross-institutional influence in how this issue is framed and addressed. The EU's discourse, particularly regarding Serbia, highlights efforts toward enhancing protections but simultaneously underscores a persistent environment where threats and violence persist. This narrative reflects a gap between legislative frameworks and their practical outcomes, resonating deeply with CoE's stance and deep investigation of the case, which emphasizes the need for effective protection mechanisms under the European Convention's Article 10. This shared focus on the gap between policy intentions and real-world outcomes illustrates a direct influence of CoE discourse on EU reporting, suggesting that EU's narrative frameworks may draw upon CoE's established positions and expertise to shape its critical assessments. Further, the EU report on Montenegro and the narrative surrounding Kosovo reveal an inconsistency in judicial follow-ups and a systemic issue of intimidation, including gender-specific threats. These themes align closely with findings in the CoE's SG Report, which documents an increasing number of unresolved cases and a rising tide of violence against journalists. The similarity in discourse suggests that CoE's detailed evaluations of MS' adherence to standards significantly inform EU's

critical examination of legal and institutional frameworks. Finally, both bodies express deep concern about the ways in which political entities influence media landscapes, contributing to environments of polarization that ultimately challenge the principles of a free press. The EU's discourse, particularly in its evaluations of countries like Montenegro and Serbia, underscores the critical examination of how political affiliations and influences pervade media content, leading to significant polarization. This concern is vividly reflected in the EU reports which highlight the challenges posed to media integrity and professionalism due to political polarization.

*iv. Evaluations and Final Considerations on Democracy: Freedom of Expression*

In the context of *Freedom of Expression*, the EU notably integrates and reflects the discourse established by the CoE, particularly observable through specific instances within their policy and evaluative frameworks. This integration is effectively illustrated by applying PDT, which elucidates how the CoE's standards and practices are adopted and adapted by the EU to fortify its own policies on media freedom and expression. For example, the CoE's robust advocacy for the protection of journalists under duress and the fostering of media pluralism is echoed within EU evaluations. This is prominently seen in the EU's reports on Ukraine and Georgia, where the EU underscores the resilience of media in conflict environments, directly paralleling the CoE's thematic focus on media stability and legislative protection under challenging circumstances. This similarity demonstrates thematic convergence but also indicates a direct influence where the EU employs CoE's insights to shape its own assessments and strategies. Moreover, the EU's discourse on legal constraints affecting media freedom closely aligns with the CoE's emphasis on balancing national security with freedom of expression, a principle strongly advocated by the ECHR, part of CoE. The EU's critical evaluation of restrictive laws in Türkiye and their impact on journalistic freedoms showcases this influence, reflecting the CoE's legal standards and judicial opinions which serve as a benchmark for the EU's policy formulations. This precise alignment and visible adoption of CoE's discourse in EU policies highlight a clear case of policy diffusion, where the EU not only aligns with but relies on CoE's established practices to ensure robust governance of freedom of expression across its MS. Thus, the visibility of CoE's influence on EU discourse is substantial, demonstrating a strategic integration of CoE's frameworks to enhance and validate the EU's approach to upholding democratic integrity through media freedom.



Moreover, utilizing Institutional Theory as a lens, this section demonstrates how the EU not only aligns with but also institutionalizes the CoE's authoritative discourses on freedom of expression within its own policy frameworks. This adaptation and integration process highlights a strategic interdependence that is essential for maintaining the legitimacy and credibility of EU policies concerning new MS. The CoE's established expertise in safeguarding freedom of expression emerges as a fundamental resource for the EU, influencing the narrative structure and evaluative criteria within the Progress Reports. For instance, the discourse on resilience and challenges faced by journalists in the Enlargement countries reflects a profound alignment with CoE's emphasis on the necessity of robust protection mechanisms. The EU documents frequently echo the CoE's concerns about the integrity and independence of media landscapes, illustrating the EU's reliance on CoE's standards to guide its evaluations and recommendations.

Moreover, the EU's discourse around legal and institutional constraints on media freedom closely mirrors the CoE's articulations about the necessity for legal frameworks that effectively support freedom of expression. This thematic resonance is not coincidental but a product of the EU's strategic adoption of CoE norms, aimed at enhancing the consistency and effectiveness of its policy measures. By embedding CoE's standards into its operational framework, the EU not only reinforces its own policies but also ensures that its Enlargement agenda upholds the foundational European values of democracy and human rights. Institutional Theory helps to understand this dynamic, suggesting that organizations within the same institutional environment, like the CoE and EU, will converge around shared norms and practices to gain legitimacy. This theory explains why the EU incorporates CoE's findings so extensively: aligning with CoE's well-established norms helps the EU to legitimize its expansion processes and policy interventions in candidate countries.

## **b. Rule of law: Corruption**

In the following section, I decided to operationalize the second pillar of the CoE—the concept of rule of law—through the lens of corruption. This is to underscore the intrinsic link between law

enforcement and the integrity of governance systems. Scholars like Klitgaard<sup>97</sup> posit that corruption is a direct challenge to the rule of law because it undermines legal fairness and the legitimacy of public institutions. Transparency International<sup>98</sup> also emphasizes that addressing corruption is fundamental to strengthening the rule of law, as it ensures equal protection under the law and public trust in institutions. This section is structured around three distinct yet interconnected sub-categories, derived from underlying patterns identified in the discourses on freedom of expression in the EU Reports. By analysing the EU Reports and CoE documents, particularly those from the Group of States Against Corruption (GRECO), CoE body tasked with improving MS' capacities to fight corruption through mutual evaluation and peer pressure, we gain insights into:

- Institutional Weakness and Need for Enhanced Legal Frameworks (i);
- Lack of Political Will and Need for Strategic Actions (ii);
- Public Sector Vulnerabilities and Corruption Risk Areas (iii).

In the end, a comparative assessment aimed at addressing the visibility of the findings of the CoE in the EU Progress Reports within the Enlargement countries will be outlined.

*i. Institutional Weakness and Need for Enhanced Legal Frameworks*

The discourse on ***Institutional Weaknesses and Need for Enhanced Legal Frameworks*** is prevalent across multiple EU reports concerning anti-corruption efforts. This discourse identifies core challenges such as lack of adequate laws, inefficient institutions, and poor implementation of existing regulations, which impede the effective battle against corruption.

The EU report on Montenegro emphasizes the critical need for updates to the legal and institutional frameworks. A poignant remark from the report states: “*Montenegro did not yet upgrade the legal, institutional, and strategic frameworks for the prevention of and fight against corruption [...] It still needs to adopt a new integrated strategy and action plan*”<sup>99</sup>. This encapsulates the recurring

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<sup>97</sup> Klitgaard. (1988).

<sup>98</sup> Transparency International. (2021).

<sup>99</sup> EU Report Montenegro. (2023).

theme of needing to bolster institutional frameworks to handle corruption more effectively, emphasizing the gap between existing measures and those required to meet EU standards.

Similarly, the EU report on Serbia highlights the challenges in reinforcing the legal frameworks aimed at promoting integrity in government functions. It notes that there is a “*need to increase the resources of the Agency to implement effectively the recommendations of GRECO’s fifth evaluation round*”<sup>100</sup>. This underscores the broader necessity within EU aspirants to harmonize their legislative measures with European norms, particularly concerning the strengthening of agencies responsible for fighting corruption and money laundering.

In Moldova, there is a significant focus on judicial reforms aimed at enhancing independence and efficiency. The Moldova report critically notes: “*Moldova announced a competition for the position of Prosecutor General [...] a law on the further vetting of judges and prosecutors in high level positions was adopted*”<sup>101</sup>. This reflects an essential aspect of the discourse on institutional weakness—ensuring that the judiciary is not only functionally independent but also equipped and vetted to combat corruption effectively.

Broadly, these reports detail various deficiencies in judicial systems, lack of effective legal frameworks, and the insufficient institutional capacities that hinder effective corruption management. For instance, the report from North Macedonia mentions that its legal framework remains conducive to the holding of democratic elections in North Macedonia. However, “*no progress was made to address and implement the outstanding recommendations*”<sup>102</sup>.

These examples illustrate a common thematic discourse across EU reports: the urgent need for robust legal frameworks and effective institutions to combat corruption. The reports consistently emphasize the necessity of legislative reform, enhancement of institutional capacities, and adherence to international standards as foundational steps towards a more corruption-resistant society. This discourse highlights the deficiencies within various national systems but also suggests a path forward through international cooperation and alignment with established anti-corruption frameworks proposed by external agents.

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<sup>100</sup> EU Report Serbia. (2023).

<sup>101</sup> EU Report Moldova. (2023).

<sup>102</sup> EU Report North Macedonia. (2023).

The discourse surrounding *Institutional Weakness and the Need for Enhanced Legal Frameworks* in GRECO reports consistently underscores the critical need for robust institutional frameworks and comprehensive legislative reforms to combat corruption effectively.

For instance, the GRECO evaluation report on North Macedonia explicitly identifies significant deficiencies in the institutional apparatus designated to fight corruption: “*The State Commission for the Prevention of Corruption should play an important role in the national anti-corruption policy. However, since its establishment in 2002, it has often been criticised for lack of independence, weak mandate and low profile*”<sup>103</sup>. This critique highlights the recurring issue of inadequately empowered and insufficiently independent anti-corruption bodies, which are crucial impediments that need addressing to bolster the integrity of such institutions.

Similarly, the GRECO report on Montenegro calls for enhanced enforcement mechanisms and advises that “*the legal framework should be accompanied by reinforced enforcement mechanisms, practical guidance, and a possibility of confidential counselling*”<sup>104</sup>. This recommendation underlines the necessity for establishing stringent legal standards and ensuring their effective application through practical and accessible support mechanisms that enhance the legal framework’s operational integrity.

Furthermore, in Moldova, GRECO sheds light on the components of the integrity legal framework, which “*comprises several laws regulating the assessment of institutional integrity, the management of institutional corruption risks, the declaration and verification of assets and personal interests*”<sup>105</sup>. This suggests a well-rounded approach to legal reform, focusing on transparency and accountability, yet also indicates the ongoing challenges in the effective implementation of these frameworks.

Lastly, the evaluation for Serbia points toward the need for a strategic approach in tackling corruption at the executive levels: “*A public strategy on corruption prevention covering explicitly PTEFs should be developed, with clear goals and an assessment of their achievement*”<sup>106</sup>. This

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<sup>103</sup> GRECO on North Macedonia. (2019).

<sup>104</sup> GRECO on Montenegro. (2023).

<sup>105</sup> GRECO on Moldova. (2024).

<sup>106</sup> GRECO on Serbia. (2022).

stresses the importance of having a legal framework and a strategic implementation plan that is regularly reviewed and adapted to meet its objectives effectively.

Collectively, these reports from GRECO articulate a coherent discourse set forth by the CoE that advocates for stronger legal frameworks, the establishment of independent and powerful anti-corruption institutions, and the need for ongoing evaluation and enhancement of these systems to ensure a sustainable and effective fight against corruption.

In the comparative analysis of this first sub-section, a discernible influence of CoE discourse on EU evaluations can be observed. The EU reports detail critical deficiencies in the legal and institutional frameworks across various countries, emphasizing the need for substantial reforms to combat corruption effectively. For example, the EU report on Montenegro points out the urgent need for updates to legal and strategic frameworks as crucial for enhancing anti-corruption efforts. This mirrors the thematic concern found in the GRECO report on Montenegro, which advises enhanced enforcement mechanisms and the establishment of robust, transparent legal standards to ensure operational integrity. Similarly, in Serbia, the EU underscores the necessity to empower anti-corruption agencies, reflecting GRECO's emphasis on strengthening institutional roles and mandates. GRECO's critique of Serbia highlights the essential need for a public strategy on corruption prevention that is clear and effectively implemented. This is paralleled by the EU's observation of a gap between legislative intent and practical enforcement, indicating a shared narrative that legislative frameworks alone are insufficient without strong implementation and oversight mechanisms. In Moldova, both the EU and GRECO discuss the need for judicial reforms aimed at enhancing independence and effectiveness, with GRECO shedding light on the comprehensive components of the integrity legal framework. This alignment suggests a mutual recognition of the challenges and a common approach toward addressing these through detailed and transparent legal reforms. Through these examples, it is evident that the CoE's expertise and established monitoring mechanism of GRECO evaluation rounds of reports significantly influence the discourse within EU evaluations. The CoE's detailed critiques and recommendations provide a framework that the EU appears to integrate, reflecting in its emphasis on the necessity for robust frameworks, effective enforcement, and ongoing evaluation of anti-corruption measures. This influence underscores a cross-institutional commitment to strengthening the integrity and transparency of anti-corruption efforts.

ii. *Lack of Political Will and Need for Strategic Actions*

In the analysis of EU reports on corruption, it is evident that a significant emphasis is placed on the lack of political will and the absence of comprehensive strategic actions across various countries.

The EU report on North Macedonia states that “*no progress was made. Corruption remains prevalent in many areas and is an issue of concern*”<sup>107</sup>. This sentence reflects the ongoing challenges and the sluggish progress in political and strategic domains needed to combat corruption effectively. The mention of “*no progress*” indicates a persistent lack of initiative to implement necessary reforms and strategic actions.

Similarly, in Montenegro, the report notes that “*the strategic framework for combating corruption remains fragmented and often ineffective, highlighting the need for stronger political leadership and a clearer strategic vision*”<sup>108</sup>. This indicates a fragmented approach to handling corruption and a call for more robust leadership. The term “*often ineffective*” underscores the recurring failures in the anti-corruption initiatives, which are attributed to disjointed strategies and unclear leadership directives.

For Albania, the report mentions that “*despite some progress in the institutional framework for combating corruption, persistent political will is required to implement reforms fully and effectively*”<sup>109</sup>. This statement acknowledges progress yet stresses the necessity for sustained political commitment to bridge the gap between institutional frameworks and their effective implementation.

In Bosnia and Herzegovina, the situation is described as follows: “*Efforts to fight corruption are hampered by the lack of harmonized and strategically aligned legislative measures across all governmental levels*”<sup>110</sup>. This illustrates a systemic issue where legislative discrepancies across

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<sup>107</sup> EU Report North Macedonia. (2023).

<sup>108</sup> EU Report Montenegro. (2023).

<sup>109</sup> EU Report Albania. (2023).

<sup>110</sup> EU Report Bosnia and Herzegovina. (2023).

different levels of government impede cohesive anti-corruption efforts, emphasizing the need for a more harmonized approach.

Across these discourses, a clear pattern emerges—while legislative frameworks and institutional mechanisms might exist or are being developed to combat corruption, there is a pervasive lack of deep, committed political will to see these measures through. This pattern among EU reports suggests a broader issue within the political cultures of these countries, where corruption is acknowledged as a problem, yet strategic, comprehensive, and effective responses are lacking.

In exploring the discourse surrounding the *Lack of Political Will and Need for Strategic Actions* identified in GRECO evaluation reports, a clear pattern emerges that underscores a critical gap between the establishment of anti-corruption frameworks and their effective implementation across various European nations.

For instance, the GRECO report on Montenegro<sup>111</sup> explicitly articulates concerns regarding the sporadic nature of anti-corruption measures, which appear reactive rather than proactive due to insufficient political will: “*despite having a significant institutional framework, the political will to proactively address corruption does not appear sufficiently robust, resulting in only sporadic and often reactive measures*”. This highlights the necessity for a more continuous commitment at the political level to enforce and enhance the established legal and institutional mechanisms.

Similarly, the GRECO evaluation of the situation in Bosnia and Herzegovina reflects the consequences of not having a current and active anti-corruption strategy, leading to fragmented and incoherent efforts: “*the lack of a newly adopted anti-corruption strategy following the expiry of the previous one leads to a situation where actions against corruption are fragmented and do not constitute a coherent or dynamic approach*”<sup>112</sup>. This lack of strategic continuity hampers the ability to address corruption effectively, pointing to the need for sustained strategic planning and implementation.

The report on Albania sheds light on the persistent high levels of corruption and the disparity between legislative frameworks and their practical application: “*High levels of corruption persist;*

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<sup>111</sup> GRECO on Montenegro. (2023).

<sup>112</sup> GRECO on Bosnia and Herzegovina. (2022).

*despite new legislative frameworks and an anti-corruption task force, enforcement is weak, underscoring a gap between commitments made and actions taken on the ground*<sup>113</sup>. This indicates that without robust enforcement and genuine political engagement, legislative reforms alone are inadequate in curbing corruption practices.

In North Macedonia, the evaluation underscores a similar theme, noting the selective implementation of policies: *“The overall strength of the anti-corruption framework is questionable as the implementation of different policies and laws is weak and selective in practice”*<sup>114</sup>. Without a consistent and dedicated effort to apply anti-corruption measures across the board, the effectiveness of any legal framework remains compromised.

Collectively, these GRECO reports illuminate a recurring theme emphasized by the CoE, which calls for a genuine political commitment to enact and enforce anti-corruption measures. This involves not only adopting comprehensive legal frameworks and strategies but also ensuring that these tools are applied uniformly and rigorously. The CoE advocates for a culture of integrity that transcends mere policy formulation to include active and strategic action against corruption, fostering a more transparent and accountable governance environment.

To compare the two bodies on this sub-category, a significant thematic resonance is discernible. The analysis of EU reports highlights a consistent pattern across various countries, illustrating a profound challenge tied to the political will necessary to implement robust anti-corruption strategies. For instance, EU evaluations of countries like Montenegro and Albania reveal recurring themes of fragmented strategies and inconsistent political engagement that hinder effective corruption control measures. Specifically, the EU's critique of Montenegro's anti-corruption framework as "fragmented and often ineffective" mirrors GRECO's observations, which describe Montenegro's measures as "sporadic and reactive" due to insufficient political will. Similarly, in Albania, the EU notes progress in the institutional framework but emphasizes the persistent need for strong political will to ensure full and effective implementation of reforms. This observation aligns closely with GRECO's critique, highlighting a disparity between Albania's legislative frameworks and their practical application, and pointing to a gap between commitments and

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<sup>113</sup> GRECO on Albania. (2020).

<sup>114</sup> GRECO on North Macedonia. (2019).



actions on the ground. Both reports underscore the necessity for genuine political engagement and robust enforcement to make anti-corruption measures effective. The situation in Bosnia and Herzegovina further illustrates this theme, where both EU and GRECO reports lament the lack of harmonized and strategically aligned legislative measures. GRECO specifically points out the consequences of not having a current and active anti-corruption strategy, leading to fragmented and incoherent efforts. This lack of strategic continuity, as noted by both bodies, significantly hampers the ability to address corruption effectively and emphasizes the need for sustained strategic planning and implementation. These instances of thematic convergence between EU and GRECO evaluations highlight shared concerns and indicate a shared diagnostic approach towards addressing the lack of political will and strategic actions in combating corruption. The EU's discourse often reflects the deeper, more detailed critiques found in GRECO evaluations, suggesting that GRECO's assessments provide a foundational perspective that influences how the EU frames its evaluations and policy recommendations.

*iii. Public Sector Vulnerabilities and Corruption Risk Areas*

In the following analysis the EU reports provide explicit insights into the sectors and practices particularly susceptible to corrupt practices.

The Montenegro report states that “*efforts in this policy area should primarily target those sectors that are most vulnerable to corruption, for which a solid risk assessment and dedicated action are required*”<sup>115</sup>. This emphasizes the necessity for targeted interventions in sectors identified as high-risk, underscoring the importance of risk assessments in prioritizing, and strategizing anti-corruption efforts.

Highlighting sector-specific risks, the Serbia report points out that “*Serbia still needs to fully implement all the measures stipulated by the operational plan for the prevention of corruption in areas of special risk in the areas of public procurement, police, customs, local self-government and privatization processes*”<sup>116</sup>. This indicates the breadth of vulnerability across various sectors,

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<sup>115</sup> EU Report Montenegro. (2023).

<sup>116</sup> EU Report Serbia. (2023).

from public administration to law enforcement, pointing to systemic risk areas that necessitate stringent oversight and reform.

In discussing the challenges in the public sector, the EU report on Bosnia and Herzegovina notes that “*public procurement represents a significant share of public spending and thus plays an important role for the private sector, but procedures are complex and administrative capacity and competition remain low. This facilitates corruption and leads to a preference for domestic suppliers*”<sup>117</sup>. This exposes the vulnerabilities inherent in public procurement processes, where complexity and lack of transparency can become hotbeds for corrupt practices.

Across these EU reports, a clear pattern emerges showing that sectors involving significant public expenditure or strategic importance—such as public procurement, political financing, land administration, and key industries—are identified as particularly vulnerable to corruption. The EU discourse emphasizes the need for thorough risk assessments and dedicated actions tailored to the vulnerabilities of each sector. By highlighting these risk areas, the EU reports pinpoint where corruption is most likely to occur and where efforts should be concentrated to prevent it.

In the discourse on ***Public Sector Vulnerabilities and Corruption Risk Areas***, GRECO reports systematically identify specific sectors within national administrations that are particularly susceptible to corrupt practices. This analysis highlights the urgent need for targeted anti-corruption measures and stronger oversight mechanisms within these identified sectors.

For instance, the GRECO report on Bosnia and Herzegovina explicitly points to systemic issues in the procurement processes: “*The procurement procedures are vulnerable to corruption; public funds are often diverted*”<sup>118</sup>, underscoring the critical need for transparency and robust control mechanisms to prevent the misallocation of public funds and ensure the integrity of procurement activities.

Similarly, in Moldova, the GRECO evaluation highlights the susceptibility of sectors with substantial public spending to corrupt activities. The report states that “*sectors involving significant public expenditure, notably public procurement, are especially at risk of corruption*”<sup>119</sup>.

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<sup>117</sup> EU Report Bosnia and Herzegovina. (2023).

<sup>118</sup> GRECO on Bosnia and Herzegovina. (2022).

<sup>119</sup> GRECO on Moldova. (2024).

This reinforces the necessity for stringent regulatory reforms and enhanced monitoring systems to safeguard these areas from corrupt influences.

Additionally, the GRECO report on Serbia identifies law enforcement sectors, particularly the traffic and border police, as high-risk areas. The report recommends preventive measures such as “*frequent vetting and rotation of personnel to mitigate these risks*”<sup>120</sup>. Such measures are essential to curtail opportunities for corruption and to foster a culture of integrity within the police forces.

These extracts from the GRECO reports elucidate a consistent theme emphasized by the CoE concerning the vulnerabilities in the public sector to corruption. They advocate for the implementation of specific, context-sensitive anti-corruption strategies that address the unique challenges of each sector. By pinpointing where corruption is most likely to occur, these reports highlight the areas where anti-corruption efforts should be concentrated and suggest practical steps for improvement, such as enhancing legal frameworks, increasing transparency, and enforcing strict compliance with international anti-corruption standards.

In exploring this third sub-category, there is a notable thematic alignment that underscores the urgency of addressing specific sectors susceptible to corruption. The EU reports on countries like Montenegro and Serbia provide explicit insights into sectors particularly vulnerable to corruption, emphasizing the importance of solid risk assessments and dedicated actions. For instance, the EU report on Montenegro underscores the necessity for interventions targeted at high-risk sectors, which is echoed in GRECO's approach to systematic risk identification and management. This emphasis is aligned with the need for robust regulatory frameworks and oversight mechanisms as highlighted in GRECO evaluations. Similarly, the EU report on Serbia points to systemic risk areas across various sectors, including public procurement, police, customs, and local self-government, stressing the necessity for comprehensive implementation of anti-corruption measures. GRECO's evaluations reinforce this perspective, particularly highlighting the susceptibility of law enforcement sectors to corruption, as noted in its report on Serbia which recommends preventive measures such as frequent vetting and rotation of personnel. In Bosnia and Herzegovina, both the EU and GRECO identify public procurement as a significant corruption risk due to complex procedures and low administrative capacity and competition. The GRECO report specifically

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<sup>120</sup> GRECO on Serbia. (2022).

points out the vulnerabilities in procurement processes, emphasizing the critical need for transparency and robust control mechanisms to safeguard the integrity of these activities. This analysis showcases a coherent understanding across both institutions of the challenges presented by public procurement, reflecting a shared emphasis on enhancing transparency and accountability to mitigate corruption risks. Across these examples, the GRECO reports enrich the EU discourse by offering detailed evaluations and practical recommendations that stress the necessity of stringent oversight and regulatory reforms. GRECO's advocacy for targeted, sector-specific anti-corruption strategies complements the EU's approach, which also calls for thorough risk assessments and dedicated actions tailored to the specific vulnerabilities of each sector. This demonstrates how GRECO's discourse on public sector vulnerabilities and high corruption risk areas profoundly influences the narratives within EU reports.

*iv. Evaluations and final Considerations on Rule of Law: Corruption*

In conclusion, it is evident that the discourse and methodologies advocated by the CoE's GRECO have been significantly absorbed and reflected in EU strategies and policies. This is particularly evident in how the EU has addressed public sector vulnerabilities and enhanced its international cooperation efforts in combating corruption. The relationship between these two entities can be most accurately described through the lens of PDT. This helps explain how GRECO's targeted and sector-specific recommendations for managing corruption risks have permeated EU policies. For example, GRECO's emphasis on the need for rigorous risk assessments and sector-specific interventions in areas like public procurement and law enforcement mirrors the EU's subsequent adoption of similar approaches in its anti-corruption reports. This diffusion of policy from GRECO to the EU is not merely imitative but involves the adoption of tested approaches that have shown effectiveness within CoE MS.

Furthermore, Institutional Theory provides insight into how these shared norms and practices are institutionalized within the EU framework. The theory suggests that the EU's adoption of GRECO's recommendations is influenced by the broader institutional environment that values transparency, accountability, and rigorous governance standards. This environment fosters a natural alignment between the CoE's established anti-corruption practices and the EU's policy

development, leading to a convergence in their approaches to addressing corruption. Therefore, the influence and visibility of the CoE on EU anti-corruption policies is both deep and transformative, shaping the EU's approach not only in terms of adopting specific strategies but also in aligning with broader institutional values that govern effective governance. This dynamic indicates a robust example of policy diffusion and institutional adaptation, where international standards and practices are effectively localized to strengthen governance across Europe.

In addressing corruption within the Enlargement countries, the EU heavily relies on the expertise and evaluative work conducted by the CoE, particularly through GRECO. RDT offers a compelling lens to understand this reliance, emphasizing the EU's strategic use of CoE's specialized resources and expertise to enhance its own policy frameworks. The CoE's rigorous assessments and monitoring of anti-corruption measures provide the EU with critical insights and benchmarks necessary for evaluating MS' adherence to governance standards. For example, GRECO's detailed evaluations of legal frameworks and institutional integrity in candidate countries supply the EU with essential data that inform its recommendations on necessary reforms and strategic actions to combat corruption. This dependency on CoE's outputs allows the EU to address its own limitations in gathering detailed, country-specific anti-corruption intelligence. By integrating these findings into its Progress Reports, the EU not only strengthens its evaluations but also aligns its Enlargement policy more closely with the broader European values of transparency and legal fairness. Thus, the CoE's influence is distinctly visible in how the EU shapes its anti-corruption discourse and policy, showcasing a practical application of RDT where leveraging external expertise is key to fulfilling complex regulatory and governance goals within the Enlargement process.

### **c. Human Rights: Gender Equality**

This third section evaluates the integration of discourses from the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) within EU reports. GREVIO is an expert group established by the CoE to monitor the implementation of the Istanbul Convention, which aims to prevent and combat violence against women and domestic violence. For the purposes of this study, the variable 'human rights' has been operationalized through the

lens of ‘gender equality’. The operationalization of the human rights pillar through gender equality is informed by Fredman and Goldblatt's<sup>121</sup> discussion on substantive equality, which emphasizes the necessity of addressing specific gender-based disadvantages. Their framework advocates for transformative changes that challenge entrenched social structures, positioning gender equality as a fundamental aspect of human rights advancement. This approach provides a framework for examining how GREVIO's principles are reflected across EU reports, assessing a collective European commitment to combatting gender-based violence. Notably, the GREVIO reports from Ukraine and Kosovo are excluded due to their unavailability at the time of writing.

The sub-pillars identified for this analytical section are:

- Awareness and Prevention Programs (i);
- Legislative and Institutional Responses (ii).

*i. Awareness and Prevention Programs*

The discourse surrounding the enhancement of awareness and education on violence against women is addressed quite explicitly in the EU Reports.

The discourse in Montenegro's EU report emphasizes the pivotal role of civil society, particularly women's associations, in raising awareness and educating the public about gender-based violence. It states: “*Women’s associations remain an important factor in supporting victims of gender-based violence and in organising various training sessions and awareness-raising campaigns. However, these organisations are facing constant financial constraints*”.<sup>122</sup> The explicit mention of these organizations as vital yet financially constrained actors highlights a discourse of dependency on non-governmental sectors for achieving societal change. This points to a broader narrative where state support and funding are crucial yet insufficient, necessitating a need for robust governmental backing to ensure the effectiveness of these programs.

Moldova’s EU report states that “*there is more awareness that gender-based violence is a crime punishable under the law*”<sup>123</sup> but it adds that “*cases are still likely to be underreported, and more*

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<sup>121</sup> Fredman, et al. (2015).

<sup>122</sup> EU Report Montenegro. (2023).

<sup>123</sup> EU Report Moldova. (2023).

*work on a victim-centred approach is required, to put the rights and dignity of victims [...]at the forefront of all efforts to prevent and respond to sexual exploitation and abuse and sexual harassment*”<sup>124</sup>. This recognizes a discrepancy between legal frameworks and their practical application, highlighting a critical gap in the societal uptake of laws and protections. It calls for a more integrated approach that not only disseminates information but also ensures that victims feel safe and supported in coming forward.

In Albania the EU Report indicates that “*the economic assistance to victims of domestic violence has been increased significantly*”<sup>125</sup>, signalling a shift towards addressing the practical needs of survivors through financial support. This highlights empowerment through economic independence, suggesting that overcoming violence involves providing victims with the resources to make autonomous life choices. The focus here aligns economic support with enhanced safety and dignity for survivors, framing financial aid as a fundamental element of the educational and awareness strategy.

Georgia’s discourse is perhaps the most comprehensive, emphasizing a systematic, legislative approach to gender equality and violence prevention, as it “*adopted a series of strategic documents and legislation on gender equality [...] and the package of adopted laws introduced a gender impact assessment for all legislative acts and aimed to ensure compliance with the Council of Europe Istanbul Convention*”<sup>126</sup>”<sup>127</sup>. This suggests a model where legislative rigor and comprehensive policy-making are central to societal education and awareness efforts.

Across these EU reports, a common theme is the intersection of awareness, legislative action, and practical support measures. Each country's report reflects a unique angle on how to educate the public and enhance awareness, whether through community-led initiatives, victim-centred approaches, economic empowerment, or legislative reforms. The underlying discourse across all reports advocates for a holistic view of combating gender-based violence—one that integrates legal, economic, and educational frameworks to foster a societal shift towards greater gender equality and respect for women’s rights.

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<sup>124</sup> Ibid.

<sup>125</sup> EU Report Albania. (2023).

<sup>126</sup> Convention on Preventing and Combating Violence against Women and Domestic Violence signed in 2011.

<sup>127</sup> EU Report Georgia. (2023).

The GREVIO reports provide a solid look into how each country addresses *Awareness and Prevention Programs* concerning violence against women. The reports emphasize a strategic focus on long-term and continuous campaigns to reshape societal attitudes and perceptions that often normalize or diminish the severity of domestic and gender-based violence.

More specifically, the GREVIO report for Montenegro explicitly critiques and urges the continuation of public discourse that addresses deep-rooted societal norms. It emphasizes the necessity for sustained public education to tackle traditional and harmful stereotypes that often minimize domestic violence. The report “*strongly encourages [...] long-term and regular awareness-raising campaigns that address the attitudes and perceptions around domestic violence*”<sup>128</sup>. This indicates a targeted approach towards transforming societal attitudes that traditionally undermine the severity of domestic violence, suggesting that only through persistent and comprehensive public engagement can these attitudes be changed.

In Moldova, the GREVIO report identifies a need for stronger and continuous awareness campaigns, “*strongly encouraging the authorities [...] to step up their efforts to conduct awareness-raising campaigns on a regular basis and at all levels*”<sup>129</sup>. This reflects an understanding that societal change requires consistent messaging at various social strata and institutional levels, emphasizing the importance of embedding awareness deep within the cultural fabric of the nation.

Albania is commended for its proactive efforts in integrating awareness campaigns within its broader gender equality initiatives. The GREVIO report commends “*the authorities’ efforts to promote awareness around the issues of violence against women*”<sup>130</sup>, reflecting approval of Albania’s comprehensive approach, which not only targets violence prevention but also broader societal change towards gender equality, indicating a holistic approach to tackling these intertwined issues.

Georgia’s report underscores the systematic incorporation of awareness campaigns into national strategies against violence towards women, with a specific focus on the variety of violence forms

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<sup>128</sup> GREVIO on Montenegro. (2018).

<sup>129</sup> GREVIO on Moldova. (2023).

<sup>130</sup> GREVIO on Albania. (2017).



outlined in the Istanbul Convention. The report mentions that the “*Georgian authorities [should] continue their efforts to conduct awareness-raising campaigns on the different forms of violence against women*”<sup>131</sup>. This demonstrates a strategic and methodical approach to education, ensuring that awareness campaigns are not sporadic but part of a structured, ongoing national effort to educate the public about all forms of gender-based violence.

This examination reveals some discrepancies in the visibility and adherence to the CoE discourses across various EU Reports. The EU report on Montenegro acknowledges the crucial role played by women's associations in combating gender-based violence through awareness and support. Yet, it also highlights the financial constraints these organizations face, suggesting a misalignment with GREVIO’s emphasis on robust, state-funded initiatives. This points to a discourse of dependency on the non-government sector for achieving societal change, which deviates from GREVIO's call for comprehensive governmental backing to ensure the effectiveness and sustainability of these programs. In the case of Moldova, the EU report recognizes an increased awareness that gender-based violence is a punishable crime, yet it also points out the persistent underreporting and the necessity for a more victim-centred approach. This reflects only a partial alignment with GREVIO’s recommendations, which advocate for a holistic approach that not only strengthens legal frameworks but also ensures that these frameworks are effectively implemented to protect victims and respect their dignity. Albania’s report indicates a progressive stance towards economic assistance for victims of domestic violence, aligning with GREVIO’s focus on empowering victims through financial support. However, the lack of detail on continuous and culturally tailored awareness campaigns as emphasized by GREVIO suggests an incomplete adoption of the recommended comprehensive strategies for societal education and transformation. The EU Report on Georgia appears to demonstrate the most comprehensive alignment with GREVIO’s directives, with its legislative actions and strategic documents aimed at ensuring compliance with the Istanbul Convention. This suggests a strong commitment to institutionalizing measures against gender-based violence, aligning closely with GREVIO’s advocacy for systemic, legislative approaches to public education and prevention.

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<sup>131</sup> GREVIO on Georgia. (2022).

ii. *Legislative and Institutional Responses*

The legislative frameworks addressing violence against women is a key topic of analysis in the light of the Enlargement process which require an interplay of compliance with international standards and the urgent need for national legal reforms. Candidate countries are engaged in a process of aligning their domestic laws with international conventions, such as the Istanbul Convention, which mandates comprehensive legal frameworks to protect women from violence.

In Albania, the EU Report reveals a recognition of gaps in the national legal framework, particularly in harmonizing with the International Labour Organization's Convention on Violence and Harassment (Convention No. 190) and the Istanbul Convention. The explicit mention of the need for “*reintegration of, and access to services for, victims and survivors of violence*”<sup>132</sup> highlights a shift towards a more victim-centred approach in legal responses to gender-based violence. This approach is indicative of a growing awareness that legal frameworks must extend beyond punitive measures to include comprehensive support and rehabilitation services for victims, ensuring their recovery and reintegration into society.

Bosnia and Herzegovina’s legislative discourse underscores the urgency of amending criminal legislation to fully transpose the obligations of the Istanbul Convention. The EU call for “*urgent legislative changes*”<sup>133</sup> and the development of specific laws on protection against domestic violence suggest a reactive legislative environment where gaps are recognized in crisis contexts. This highlights the challenges faced by post-conflict societies in building legal systems that effectively protect against gender-based violence while addressing the broader implications of such violence on social stability and gender equality.

Moldova’s legislative discourse focuses on enhancing access to justice for victims and establishing specialized services, demonstrating a proactive approach to legal reform. The establishment of the first specialized “*service for victims of sexual violence*”<sup>134</sup> in March 2023 marks a significant advancement in providing targeted support for victims. As noted in the EU Report, this development aligns with international conventions but also reflects a localized response to the

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<sup>132</sup> EU Report Albania. (2023).

<sup>133</sup> EU Report Bosnia and Herzegovina. (2023).

<sup>134</sup> EU Report Moldova. (2023).

specific needs of victims within Moldova, suggesting a solid understanding of how legal frameworks can be both compliant with global standards and responsive to local contexts.

These discourses taken from the EU Reports collectively paint a picture of evolving legislative frameworks that are increasingly aligning with international human rights standards while also adapting to the unique sociopolitical landscapes of each country. The focus on victim support, ease of access to justice, and the urgency of legal reforms encapsulates a shift towards more holistic and inclusive approaches to combating violence against women.

GREVIO addresses the same discourse by emphasizing the need for national laws to be harmonized with the standards set by the Istanbul Convention, advocating for legislative reforms that recognize and adequately respond to the gendered nature of violence, ensuring comprehensive protection and support for victims, consistently calling for the implementation of these laws in a manner that is practical and effective, particularly focusing on enhancing institutional capacities.

Specifically, Albania is encouraged to refine its legislative framework to acknowledge the distinctly gendered nature of domestic violence, predominantly affecting women and girls. GREVIO highlights the importance of a harmonized definition of domestic violence that aligns with international norms, stating that “the authorities should further introduce a clear gendered approach in their legislation to acknowledge fully the gendered nature of domestic violence which predominantly affects women and girls”<sup>135</sup>. This reflects a call for legislative adjustments that recognize the specific vulnerabilities of women in the context of domestic violence.

Bosnia and Herzegovina faces similar challenges, with GREVIO urging the prohibition of mandatory alternative dispute resolution processes in cases of violence against women. This is highlighted by GREVIO's insistence on urging for “*legislative or other measures to prohibit mandatory alternative dispute resolution processes in connection with any legal proceedings of relevance to women victims of the forms of violence against women covered by the Istanbul Convention*”<sup>136</sup>. This aims to ensure that legal frameworks support the protection of victims rather than inadvertently perpetuating their victimization.

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<sup>135</sup> GREVIO on Albania. (2017).

<sup>136</sup> GREVIO on Bosnia and Herzegovina. (2022).

In Moldova, legislative reforms have been acknowledged, particularly the introduction of emergency barring orders, which are seen as a positive step towards enhancing immediate protections for victims. GREVIO notes that “*the Republic of Moldova has taken a range of measures that demonstrate a strong commitment to the implementation of the Istanbul Convention [which] was followed by important legislative amendments, such as the introduction of emergency barring orders as protective measures*”<sup>137</sup>. This indicates progress but also underscores the ongoing need for comprehensive policy responses that can effectively prevent and respond to incidents of violence.

These excerpts from the GREVIO reports illustrate a broader discourse on the necessity for countries to adapt their legal systems to comply with international standards in a way that deeply understands and addresses the gendered dynamics of violence. The emphasis on legislative specificity, gendered approaches, and protective measures reflects a strategy aimed at enhancing both the legal recourse and the safety nets available to women facing violence.

The discourse surrounding ***Legislative and Institutional Responses*** to violence against women, as analysed through GREVIO and EU reports, provides a compelling view of the alignment and visibility of CoE's standards within EU documentation. Both GREVIO and EU reports emphasize the critical role of aligning domestic legislation with international conventions, notably the Istanbul Convention, which mandates comprehensive legal frameworks to protect women from violence.

The legislative and institutional responses to violence against women within the EU, as analysed through EU reports, display a strong alignment with the CoE's GREVIO standards, particularly those set forth by the Istanbul Convention. This collective European commitment to enhancing legal frameworks illustrates a concerted effort to harmonize national laws with international standards, aimed at protecting women from violence. Across the various EU candidate countries, there is a clear emphasis on reforming legal systems to incorporate the comprehensive protective measures advocated by the Istanbul Convention. GREVIO's influence is evident in the legislative discourse prevalent in the EU reports, which frequently reference the need for urgent legislative changes to ensure that domestic laws fully reflect the principles of the Istanbul Convention. This

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<sup>137</sup> GREVIO on Moldova. (2023).

discourse highlights international conventions' role in shaping national legislation and emphasizes compliance with established norms as both a legal and moral imperative.

*iii. Evaluations and Final Considerations on Human Rights: Gender Equality*

In the sub-category *Awareness and Prevention Programs*, a comparative assessment of the alignment between EU reports and GREVIO's directives through the lenses of RDT and Institutional Theory offers insightful explanations for the observed discrepancies and misalignments in the implementation of guidelines aimed at combating violence against women.

RDT posits that organizations adapt and adjust their policies based not only on internal values or goals but also in response to the resources they depend upon for survival and success. Applying this theory to the EU candidates' responses to GREVIO's directives can illuminate why there are disparities in how countries integrate these guidelines: in the case of Montenegro, the report indicates a significant dependency on non-governmental organizations for carrying out awareness and prevention programs. According to RDT, this reliance suggests a strategic adaptation to resource constraints. The EU report highlights that while NGOs play a crucial role, they face constant financial limitations. This scenario indicates a resource dependency that prevents more robust, state-led initiatives, leading to a partial alignment with GREVIO's comprehensive approach. Albania's approach, which involves increased economic assistance to victims, demonstrates an alignment that leverages financial resources as a strategic tool for compliance with GREVIO's standards. This suggests that where governments can mobilize sufficient resources, alignment with institutional directives appears more comprehensive.

Institutional Theory offers a broader perspective, emphasizing the role of cultural norms, regulatory frameworks, and the institutional environment in shaping organizational behaviour. This theory can explain the variances in alignment through the institutional pressures and the quest for legitimacy: Moldova's and Georgia's reports reflect an effort to align with GREVIO's directives within the constraints of existing legal and cultural frameworks. Institutional Theory suggests that these efforts are mediated by the need to balance between external pressures - such as complying with international conventions - and internal legitimacy within their own legal and cultural contexts. This balancing act can lead to discrepancies in how directives are implemented,

as seen in Moldova's recognition of gender-based violence as a crime yet struggling with underreporting and victim support. The comprehensive adoption of measures in Georgia can be understood through coercive isomorphism, where changes in policies are directly influenced by pressures from international bodies like the CoE. This alignment not only reflects compliance with external standards but also an institutional strategy to gain legitimacy and support from international partners.

The misalignment observed across different EU reports, despite a shared commitment to the principles outlined by GREVIO, can be attributed to a combination of resource dependencies and institutional pressures. RDT highlights how variations in resource availability and dependency relationships affect the extent and nature of policy implementation. Meanwhile, Institutional Theory underscores the influence of existing institutional norms and the pressures to maintain legitimacy both internally and externally.

On the second sub-category - *Legislative and Institutional Responses* - PDT offers a robust framework for understanding how the discourses of the CoE on combating violence against women have become aligned with and visible in EU reports. This theoretical approach examines how policy ideas and practices spread across different jurisdictions and how these ideas are adopted and implemented by various governments. In the context of aligning EU reports with GREVIO standards and the Istanbul Convention, PDT can elucidate the mechanisms through which these alignments occur and the factors that enhance their visibility and adoption across EU MS. One of the primary mechanisms through which policy diffusion occurs is through learning from the experiences and legislative frameworks of others. The EU seems to look to the CoE as a source of best practices and robust standards, particularly regarding human rights and legal protections. By observing the successes and challenges faced by the CoE in implementing the Istanbul Convention, EU candidate countries can learn and emulate effective strategies in their national contexts. This learning process is facilitated by GREVIO's detailed reports and evaluations, which provide specific guidance and feedback on how to improve and what aspects to emphasize in national legislation. Policy diffusion also occurs through normative pressures, where countries adopt certain policies to conform to international norms and to gain legitimacy in the international community. The CoE, through the Istanbul Convention, sets a normative standard that EU

candidate countries are expected to meet. This international standard exerts pressure on such countries to align their policies with those of the CoE.

The visibility of CoE discourses in EU policies can be attributed to the active role that the CoE plays in setting agendas and framing discussions around violence against women at the European level. Through platforms and interactions, the CoE's priorities and frameworks are continuously introduced and reinforced among EU MS. Furthermore, the alignment of these discourses is also visible in the legislative reforms adopted by EU countries, reflecting a collective acknowledgment of the standards set by the CoE.

## **8. Conclusion**

The conclusion of this research draws upon an extensive analysis of the interplay between the CoE standards and EU evaluations in the realms of democracy – operationalized under freedom of expression – rule of law – operationalized under corruption - and human rights – operationalized under gender equality, assessing the visibility to which these CoE discourses are influential and inherent within the EU Enlargement framework.

The analysis revealed a robust alignment in the discourse on freedom of expression, where EU reports closely mirror the CoE's directives on protecting journalistic freedom and media integrity. The EU's legislative adoption and policy initiatives reflect a concerted effort to integrate CoE's principles, underscoring a shared European commitment to uphold media freedom as a fundamental right. However, despite these alignments, there are discernible gaps in the implementation phases, where MS show variability in the enforcement and protection of these rights. This variability often stems from political resistance or insufficient legal frameworks within certain MS, indicating an area where CoE influence is recognized but not fully actualized.

In addressing corruption, the research finds that EEP significantly incorporate CoE's anti-corruption standards, with many candidate countries reforming their legal systems to align with CoE's GRECO recommendations. This alignment is particularly evident in the strategic policy documents and national action plans that resonate with CoE's comprehensive approach to fighting

corruption. However, the practical application of these reforms presents a mixed picture, with some countries exhibiting substantial progress while others lag due to issues like entrenched political interests and bureaucratic inertia. This discrepancy highlights a selective permeation of CoE's anti-corruption discourses, suggesting a need for more robust mechanisms to ensure uniform compliance across all MS.

The operationalization of gender equality through CoE's standards, particularly influenced by the Istanbul Convention, shows a strong thematic presence within EU policies. The EU's alignment in promoting gender equality and combating gender-based violence is evident through legislative reforms and strategic initiatives detailed in the reports. However, the analysis also points out that while legislative frameworks are often in place, the on-ground realities for women in many candidate countries reveal discrepancies in enforcement and accessibility to justice and support services. These findings highlight both the successes and limitations of CoE policy diffusion, where the transfer of norms and standards meets the complex realities of societal and cultural dynamics.

The comprehensive evaluation of these three areas within EU candidate countries assessment demonstrates a high degree of CoE's visibility and influence. However, the paper also identifies key areas where the alignment is less evident, often influenced by local constraints or the lack of sufficient institutional support and resources. This observation suggests that while the CoE's norms are highly regarded and often adopted in principle, their full operationalization within the EU framework requires ongoing support, monitoring, and adaptation to local contexts.

The findings suggest that the CoE serves not just as a normative guide but as a critical benchmark for the EU's policy formulations, particularly in its Enlargement agenda. This relationship exemplifies a dynamic model of policy diffusion, characterized by both top-down influences and bottom-up adaptations. These findings contribute significantly to the academic discourse on international organizations' policy diffusion and dependency, showcasing how international norms are adopted and adapted within regional policy frameworks. The CoE's role as a norm-setter in Europe is unequivocally substantial, yet the variability in the implementation of these norms highlights the challenges of such mechanisms in complex and varied political environments. This research underscores the importance of not only adopting international standards but also



effectively adapting and enforcing them to reflect the intended outcomes, ensuring that the TPV are not only upheld in theory but are also realized in practice.

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