Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 300 (2022)[1]

Consequences of the Russian Federation's aggression against Ukraine

Parliamentary Assembly

1. In continuation of the war of aggression waged by the Russian Federation against Ukraine since 20 February 2014, as of 24 February 2022, the Russian Federation has escalated its military activities against Ukraine to unprecedented levels, causing thousands of civilian casualties, displacing millions of people and devastating the country. In launching this further military aggression, the Russian Federation has chosen recourse to force over dialogue and diplomacy to achieve its foreign policy objectives, in violation of the legal and moral norms that govern the peaceful coexistence of States. This conduct shows disregard for the very essence of the Council of Europe, as enshrined in its Statute (ETS No. 1), which is the conviction that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation.

2. The Parliamentary Assembly condemns, in the strongest terms, the Russian Federation's aggression against Ukraine and stands in solidarity with Ukraine and the Ukrainian people, reaffirming its unwavering support for the sovereignty, independence and territorial integrity of Ukraine within its internationally recognised borders. The Assembly stands in solidarity with its Ukrainian members in these dark hours.

3. The Assembly considers that the Russian Federation's armed attack on Ukraine is in breach of the Charter of the United Nations, qualifies as a "crime against peace" under the Charter of the International Military Tribunal (Nuremberg Charter) and constitutes an "aggression" under the terms of Resolution 3314 (XXIX) of the United Nations General Assembly adopted in 1974. It is a violation of the Helsinki Final Act and the Charter of Paris for a New Europe.

4. It is also a serious breach of Article 3 of the Statute of the Council of Europe and a violation of the obligations and commitments that the Russian Federation accepted upon becoming a member of the Organisation, including the commitments to settle international and internal disputes by peaceful means, rejecting resolutely any threats of force against its neighbours, and to denounce the concept of treating neighbouring States as a zone of special influence called the "near abroad".

5. The Assembly deplores that, despite the many appeals to cease the hostilities and to comply with international law, the Russian leadership has persisted in its aggression, escalating the violence in Ukraine and making threats should other States interfere. Through its attitude and actions, the leadership of the Russian Federation poses a blatant menace to security in Europe, following a path which also includes the act of military aggression against the Republic of Moldova and in particular the occupation of its Transnistrian region, the act of military aggression against Georgia and the subsequent occupation of two of its regions in 2008, the illegal annexation of Crimea and the Russian Federation's role in eastern Ukraine, which culminated in the illegal recognition of the self-proclaimed republics of Donetsk and Luhansk as "independent States".

1. *Assembly debate* on 15 March 2022 (3rd and 4th sittings) (see Doc. 15477, report of the Committee on Political Affairs and Democracy, rapporteur: Ms Ingjerd Schou). *Text adopted by the Assembly* on 15 March 2022 (4th sitting).

6. The Assembly is deeply disturbed by evidence of serious violations of human rights and international humanitarian law by the Russian Federation, including attacks against civilian targets; indiscriminate use of artillery, missiles and bombs, including cluster bombs; attacks on humanitarian corridors intended to allow civilians to escape from besieged towns and cities; and hostage-taking. It notes with shock the reckless attacks by Russian armed forces on nuclear facilities in Ukraine.

7. The Assembly supports all efforts aimed at ensuring that those responsible are held accountable for their actions, including the decision by the Prosecutor of the International Criminal Court to investigate the situation in Ukraine and the establishment of a special investigation commission by the United Nations Human Rights Council, and will evaluate the proposals to establish a special international criminal tribunal for war crimes committed during the war in Ukraine started by the Russian military aggression. It also welcomes other efforts to document possible crimes under international law committed in Ukraine, including through the publication of commercial satellite imagery, the analysis of this imagery and other forms of open-source intelligence by private actors. Similarly, it takes note of the application filed by Ukraine before the International Court of Justice instituting proceedings against the Russian Federation concerning a dispute relating to the interpretation, application and fulfilment of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

8. The Assembly regrets that the Russian Federation has failed to implement numerous decisions of the European Court of Human Rights, including its interim measures, asking the Russian Federation to refrain from military attacks against civilians and civilian objects, including residential premises, emergency vehicles and other specially protected civilian objects such as schools and hospitals, and to immediately ensure the safety of the medical establishments, personnel and emergency vehicles within the territory under attack or siege by Russian troops.

9. The Assembly is deeply concerned about the situation of Ukrainians who have been forced to flee their country in fear of their lives, in the biggest refugee exodus seen in Europe since the Second World War. The Assembly applauds the generosity and solidarity shown by neighbouring countries that continue to take in hundreds of thousands of refugees, most of them women and children: Poland has so far welcomed 1 700 000 refugees, Hungary 250 000, the Republic of Moldova 330 000, Romania 415 000 and the Slovak Republic 200 000. In this context, the Assembly welcomes the decision by the European Union to implement Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (the “temporary protection directive”) while calling for further support in response to this unprecedented humanitarian crisis, including through resettlement programmes.

10. The Assembly notes that the unfolding Russian aggression in Ukraine has been very widely condemned by the international community, in particular by States and international organisations. A strong critical stance has also been taken by other actors, ranging from international sports administration bodies to private companies and prominent cultural and sports personalities.

11. In the Russian Federation, however, anti-war protests are stifled. The Assembly condemns the measures taken by the Russian authorities to further curtail freedom of expression and freedom of assembly through the closure of almost all remaining independent news organisations, the intensifying crackdown on civil society, the harsh repression of peaceful protests and severe restrictions on access to social media. It deplores the fact that, as a result, the Russian population is deprived of information from independent sources and is exposed only to State-controlled media that amplify a distorted narrative of the war.

12. These tragic events confirm the relevance of and continuing need for the Council of Europe as a value-based intergovernmental organisation working to promote democracy, human rights and the rule of law. Through its numerous bodies and institutions, and in accordance with its remit and mission, the Council of Europe should be on the front line in providing assistance and expertise to support Ukraine and Ukrainians.

13. In light of the above, the Assembly calls on the Russian Federation to:

13.1. cease hostilities against Ukraine and immediately, completely and unconditionally withdraw its military forces from the territory of Ukraine within its internationally recognised borders;

13.2. comply strictly with its obligations under human rights and international humanitarian law;

13.3. refrain, in all circumstances, from attacks against civilians and ensure the opening of and respect for humanitarian corridors to allow the evacuation of civilians to safe regions within Ukraine or safe countries outside Ukraine;

13.4. comply with the interim measures indicated by the European Court of Human Rights;

13.5. not hinder the prompt delivery of humanitarian assistance to the Ukrainian population or the effective access of humanitarian agencies to Ukraine and within Ukraine;

13.6. co-operate with the investigations and proceedings that have been set up by the International Criminal Court, the International Court of Justice and the special commission to be constituted by the Human Rights Council;

13.7. ensure the safety and security of Ukraine's nuclear facilities, including by refraining from making them the target of any military activity, and co-operate fully with the International Atomic Energy Agency;

13.8. immediately release and reinstate all mayors and local representatives who have been kidnapped, and release activists;

13.9. ensure full respect for freedom of expression and association, media freedoms and access to the internet, in accordance with international legal obligations.

14. The Assembly calls on Council of Europe member States to:

14.1. further increase their assistance to Ukraine and ensure the safe and effective operation of the humanitarian corridors;

14.2. consider increasing their assistance to Ukraine in its efforts to strengthen the protection of its territory, including its airspace, in order to reduce the severe human cost and the tragic humanitarian consequences of the Russian Federation's ongoing war of aggression;

14.3. step up support for Council of Europe member States which have received large numbers of Ukrainian refugees;

14.4. contribute to the Ukraine Flash Appeal launched by the United Nations as well as by other organisations such as the International Committee of the Red Cross;

14.5. establish schemes to facilitate access to their territories and grant protection status to persons fleeing from the war in Ukraine, including by implementing, where applicable, the European Union's temporary protection directive;

14.6. avoid discrimination against refugees on any grounds, in particular ethnicity and national origin, while taking into account the needs of vulnerable refugees fleeing Ukraine, including children, victims of gender-based violence or trauma, persons with disabilities and the elderly;

14.7. devise strategies and measures aimed at the integration of refugees, from a long-term perspective;

14.8. develop and implement programmes to resettle from neighbouring countries persons who have fled from the war in Ukraine;

14.9. consider further strengthening the resources of the Council of Europe Development Bank with a view to improving its capacity to address urgent needs through targeted support by means of grants and reinforcing its ability to finance long-term investment in social infrastructure in countries hosting large numbers of Ukrainian refugees;

14.10. step up voluntary contributions to ensure that the Council of Europe can offer a package of priority measures for Ukraine, to be implemented as soon as conditions allow;

14.11. show their continued trust in the Organisation by ensuring its financial sustainability, should the Russian Federation fail to meet its financial commitments to the Council of Europe or cease to be a member of the Organisation.

15. As regards the role of the Council of Europe, the Assembly:

15.1. invites the Commissioner for Human Rights to continue her efforts aimed at raising awareness about the situation of those fleeing Ukraine and those who remain in Ukraine, and to support initiatives aimed at documenting human rights violations and breaches of international humanitarian law in Ukraine, including through regular contact with her network of human rights defenders and civil society;

15.2. invites the Secretary General of the Council of Europe to ask her Special Representative on Migration and Refugees to give priority, in her activities, to the situation of refugees and displaced persons fleeing from the war in Ukraine, also relying on the Network of Focal Points on Migration, and in the framework of the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025);

15.3. encourages the European Court of Human Rights to consider giving priority to applications brought by Ukrainian citizens against the Russian Federation for acts committed in the temporarily occupied areas of Ukraine, taking into account the fact that these persons have no access to effective remedies against such acts at national level.

16. In the event that the Russian Federation ceases to be a member of the Organisation, the Council of Europe should envisage initiatives to be able to continue to support and engage with human rights defenders, democratic forces, free media and independent civil society in the Russian Federation.

17. In light of the broader impact of the Russian Federation's aggression against Ukraine on European co-operation and security, the Assembly invites the Committee of Ministers to open an in-depth reflection on the means to strengthen the indispensable role of the Council of Europe in the European institutional architecture as the guardian of democracy, human rights and the rule of law and as a forum for co-operation and dialogue between peaceful, independent democratic States. In this context, the Assembly reiterates its support for the organisation of a 4th Summit of Heads of State and Government of Council of Europe member States, which would chart the way forward for the Organisation, in order to better equip it to promote democratic security and tackle the challenges ahead.

18. As regards its own work, the Assembly:

18.1. should continue to follow closely the consequences of the Russian Federation's aggression against Ukraine;

18.2. in view of the participation of Belarus in the Russian Federation's aggression against Ukraine, recommends that its Bureau suspend relations between the Assembly and the Belarusian authorities in all its activities.

19. As regards the request to provide an opinion to the Committee of Ministers pursuant to Statutory Resolution (51) 30**,** the Assembly is convinced that the gravity of the actions committed by the Russian Federation and the profound breach of trust caused by them fully justify the further recourse to Article 8 of the Statute. Taking into account all of the above and that the Russian Federation has committed serious violations of the Statute of the Council of Europe that are incompatible with the status of a Council of Europe member State, does not honour its undertakings to the Council of Europe and does not comply with its commitments, the Assembly considers that the Russian Federation can therefore no longer be a member State of the Organisation.

20. The Assembly, therefore, is of the opinion that the Committee of Ministers should request the Russian Federation to immediately withdraw from the Council of Europe. If the Russian Federation does not comply with the request, the Assembly suggests that the Committee of Ministers determine the immediate possible date from which the Russian Federation would cease to be a member of the Council of Europe.