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Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe

Report¹

Committee on Political Affairs and Democracy

Rapporteur: Mr Frank SCHWABE, Germany, Socialists, Democrats and Greens Group

Summary

The Russian Federation's continued aggression against Ukraine is an act of unprecedented gravity in itself and because of its far-reaching consequences, which are felt worldwide.

In the face of this unprecedented attack on peace and security, international law and the most basic values which are the foundation of the Council of Europe, the Parliamentary Assembly should make a strong call for unity in supporting Ukraine and exerting maximum pressure on the Russian Federation to cease its aggression. It is not only the magnitude of the current challenge but also the Council of Europe and its member States' response to it which will shape the future of European history.

The Council of Europe should continue to give proof of unity and resolve by being in the front line to support Ukraine.

1. Reference to committee: Bureau decision, Reference 4636 of 25 April 2022.



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A. Draft resolution²

1. The Parliamentary Assembly confirms, in the strongest terms, its condemnation of 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.
2. Recalling that the Russian Federation's aggression against Ukraine is a serious violation of international law and a serious breach of the Council of Europe Statute (ETS No. 1), the Assembly welcomes the decision of the Committee of Ministers to exclude the Russian Federation from membership in the Council of Europe, in line with the unanimous position expressed by the Assembly in its Opinion 300 (2022), which it fully reiterates in all its recommendations.
3. Recalling the United Nations General Assembly Resolution of 2 March 2022 on the Russian Aggression against Ukraine and Resolution of 24 March 2022 on Humanitarian Consequences of the Aggression against Ukraine, the Assembly welcomes the United Nations General Assembly Resolution of 7 April 2022 on Suspension of the Rights of Membership of the Russian Federation in the Human Rights Council.
4. The Russian Federation's aggression against Ukraine is an act of unprecedented gravity in itself and because of its far-reaching consequences: it is provoking the direst humanitarian crisis in Europe, with the largest number of casualties, the largest internal and external displacement experienced since the Second World War.
5. The Assembly is alarmed at the mounting evidence of atrocities committed by Russian armed forces in the context of war of aggression, often targeting the most vulnerable, and expresses its full support for all efforts aimed at investigating violations by the Russian Federation of international human rights and international humanitarian law and other international crimes, including crimes against humanity and genocide, and ensuring the accountability of the aggressor.
6. The consequences of the Russian Federation's aggression go beyond Ukraine and are being felt worldwide. At geopolitical level, the unleashing of a war of aggression by a Permanent Member of the United Nations Security Council poses a challenge to global governance, undermining the multilateral system aimed at maintaining peace and security.
7. The Assembly considers that the international community must take decisive action to defend the democratic world order in response to the attack undertaken against it by the Russian Federation and Belarus and that the European Union, the United Kingdom and the United States of America have a particular responsibility for Europe's security, including the future of Ukraine.
8. The Russian Federation's war of aggression is aggravating the economic downturn due to the Covid-19 pandemic, leading to a steep rise of energy costs and food insecurity, which could result in further political destabilisation in some regions and affect populations already afflicted by famine.
9. The Russian Federation's war of aggression is also a major security challenge, and the risks of an escalation or enlargement of the conflict cannot be excluded. A new dividing line is back on the map of Europe, drawn by the Russian authorities with their rhetoric and deeds, and European States are increasing their defence capabilities to protect themselves in this new hostile environment.
10. In the face of this unprecedented attack on peace and security, international law and the most basic values which are the foundation of the Council of Europe, the Assembly makes a strong call for unity in supporting Ukraine and exerting maximum pressure on the Russian Federation to cease its aggression. It is not only the magnitude of the current challenge but also the Council of Europe and its member States' response to it which will shape the future of European history.
11. In light of these considerations, the Assembly calls on Council of Europe member States to:
 - 11.1. step up assistance for Ukraine, directly and contributing to the humanitarian appeals for funding that have been launched by multilateral organisations;
 - 11.2. 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, attacks on civilian population, civilian targets, notably hospitals, maternity wards, medical facilities and civilian infrastructure and the tragic humanitarian consequences of the Russian Federation's ongoing war of aggression;

2. Draft resolution adopted unanimously by the committee on 21 April 2022.

- 11.3. step up solidarity with Council of Europe member States which have received large numbers of people fleeing Ukraine due to Russian Federation's continued aggression;
 - 11.4. establish schemes to facilitate access to their territories and grant protection status to persons fleeing Ukraine, due to Russian Federation's continued aggression, including by implementing, where applicable, the European Union's temporary protection directive;
 - 11.5. avoid discrimination against people fleeing Ukraine, due to Russian Federation's continued aggression, on any grounds, in particular ethnicity and national origin, while taking into account the needs of vulnerable groups, including children, victims of gender-based violence or trauma, persons with disabilities and the elderly;
 - 11.6. raise awareness, amongst persons fleeing Ukraine, due to Russian Federation's continued aggression, of the risks relating to trafficking and exploitation; take firm action notably through the civil society actors to prevent and punish trafficking and exploitation and protect victims;
 - 11.7. set up assistance and protection programmes to cater for the needs of separated children and unaccompanied minors fleeing Ukraine, due to the Russian Federation's continued aggression;
 - 11.8. support and encourage activities aimed at providing support from the professional communities of Europeans towards the professional communities of Ukrainians, notably judges, prosecutors, advocates, and others;
 - 11.9. support activities aimed at promoting solidarity with Ukrainian municipalities, such as twinning programmes between cities and other initiatives supported by the Congress of Local and Regional Authorities;
 - 11.10. where applicable, make full use of the resources made available through the European Union Technical Support Instrument to set up assistance programmes for people fleeing Ukraine, due to Russian Federation's continued aggression, and consider asking for the Council of Europe's support in the elaboration and implementation of such programmes;
 - 11.11. continue to exert pressure on the Russian Federation to cease the hostilities, withdraw its troops from the sovereign territory of Ukraine and comply with international law as well as the investigations carried out in order to establish accountability for violations of international human rights law, humanitarian law and other international crimes;
 - 11.12. continue to exert pressure on the Russian Federation until the full withdrawal of its troops from the sovereign territories not only of Ukraine, but also Georgia, Republic of Moldova and Belarus and until the holding of transparent and fair elections in the Russian Federation and Belarus in line with international standards;
 - 11.13. to the extent that their courts have such jurisdiction, make use of their universal jurisdiction to investigate and prosecute alleged violations of international human rights law, humanitarian law and other international crimes committed on the territory of Ukraine in the context of the current war;
 - 11.14. support the investigations and proceedings that have been set up by the International Criminal Court, the International Court of Justice and the Commission of Inquiry on Ukraine set up by the Human Rights Council as well as the work of the Prosecutor General of Ukraine aimed at ensuring accountability for violations of international human rights law, humanitarian law and other international crimes;
 - 11.15. urgently set up an *ad hoc* international criminal tribunal to investigate and prosecute the crime of aggression committed by the political and military leadership of the Russian Federation and provide the necessary financial support;
 - 11.16. take leadership in supporting the organisation of a 4th Summit of Heads of State and Government of Council of Europe member States to reaffirm the values of democracy, human rights, and the rule of law and elaborate a new vision for the Organisation, in the context of the European multilateral architecture;
 - 11.17. show their continued trust in the Council of Europe by ensuring that it has the necessary budgetary and extra-budgetary resources to support Ukraine as a matter of urgency, fully carry out its mandate and strengthen its overall operational capacity.
12. The Assembly supports efforts to establish the Ukraine Solidarity Trust Fund to rebuild Ukraine after the war of aggression, to initiate a large-scale investment programme and to restore the country's growth potential, and calls on Council of Europe member States to support it.

13. Furthermore, the Assembly calls on the Russian Federation to:
 - 13.1. cease hostilities against Ukraine and immediately, completely and unconditionally withdraw its occupation forces, including its military and proxies, from the territory of Ukraine within its internationally recognised borders;
 - 13.2. comply strictly with its obligations under international law, international human rights and international humanitarian law;
 - 13.3. refrain, in all circumstances, from attacks against civilians, including indiscriminate attacks against populated areas, targeted killings and abductions, rape and sexual violence, and investigate all allegations;
 - 13.4. immediately release and reinstate all mayors and local representatives who have been kidnapped, and release activists, journalists and other abducted civilians;
 - 13.5. ensure the safety of journalists and the full respect for freedom of expression and association, media freedoms and access to the internet, in accordance with international legal obligations;
 - 13.6. 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 and refrain from forcibly evacuating or displacing civilians towards the Russian Federation;
 - 13.7. comply with the interim measures indicated by the European Court of Human Rights and the International Court of Justice;
 - 13.8. co-operate with the investigations and proceedings that have been set up by the International Criminal Court, the International Court of Justice and the Commission of Inquiry on Ukraine set up by the Human Rights Council;
 - 13.9. 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.
14. Recalling the importance of the European multilateral architecture in preserving peace and stability in Europe, the Assembly commends the European Union for its leadership role during the current crisis and calls on the European Union to:
 - 14.1. continue to exert pressure on the Russian Federation to cease the hostilities, through all the means at its disposal, notably through further strengthening of the economic sanctions already imposed and seeking new sanctions against the Russian Federation and its state-controlled or directly and indirectly managed entities, as well as individuals, ensuring that the freezing and seizing of property is undertaken;
 - 14.2. support the initiatives aimed at establishing accountability of the Russian Federation under the international law, international human rights law and the international criminal law, notably the investigations launched by the Prosecutor of the International Criminal Court and the European Union member States, as well as establishment of the *ad hoc* tribunal to investigate and prosecute the crime of aggression;
 - 14.3. seek to sever energy dependency on the Russian Federation while accelerating energy transition and at the same time exploring alternatives to energy imports from the Russian Federation;
 - 14.4. adapt its cohesion policy rules to facilitate the rapid roll out of funding to help member States that host Ukrainians seeking temporary protection in the European Union;
 - 14.5. take into account the geopolitical and security perspective in the context of its enlargement policy and seek to rely more extensively on the Council of Europe to assist candidates and potential candidates meet the criteria for EU membership;
 - 14.6. step up its efforts to combat propaganda and disinformation, to counteract the destabilisation campaigns within the European Union and prevent their potential negative consequences.
15. Regretting the non-renewal of the Special Monitoring Mission to Ukraine of the Organization for Security and Co-operation in Europe, the Assembly reiterates the pivotal role played by the OSCE in the context of security, confidence-building and conflict resolution in Europe, and its continued relevance. It calls on both the Russian Federation and Ukraine to take into account the findings of the report by the Moscow Mechanism and act accordingly to avoid impunity and ensure accountability for violations of international human rights law, humanitarian law and other international crimes.

16. Standing in full solidarity with the Ukrainian Parliament, as regards its own work, the Assembly should:
 - 16.1. continue to follow closely the consequences of the Russian Federation's continued aggression against Ukraine;
 - 16.2. consider the organisation of a conference on Ukraine with national parliaments of Council of Europe member States, with a view to discussing the needs of the Ukrainian authorities, promoting awareness and facilitating solutions;
 - 16.3. support the Ukrainian Parliament by:
 - 16.3.1. offering a platform for political consultation, exchange of information and joint actions between the Assembly structures and the Ukrainian delegation;
 - 16.3.2. taking all the necessary measures to ensure that the members of the Ukrainian delegation can take active part in the work of the Assembly;
 - 16.3.3. contributing to its institutional resilience with the provision of information, expertise and good practice;
 - 16.3.4. promoting dialogue between the Ukrainian Parliament and other national parliaments of Council of Europe member States;
 - 16.4. support and contribute to the work of the Council of Europe in relation to the consequences of the Russian Federation's aggression against Ukraine, at political and operational level.
17. The Assembly reiterates its condemnation of 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 and non-intergovernmental organisations, the harsh repression of peaceful protests and severe restrictions on access to social media. The Assembly also reiterates its condemnation of Belarus' involvement in the aggression and deplores the crackdown on human rights and freedoms by the Belarusian authorities.
18. In this context, the Assembly:
 - 18.1. resolves to intensify its engagement with Belarusian and Russian civil society, human rights defenders, independent journalists, academia, and democratic forces respecting the values and principles of the Organisation, including the territorial integrity of sovereign member States;
 - 18.2. resolves to explore ways to regularly associate representatives of the Belarusian opposition in its activities;
 - 18.3. recommends Council of Europe member States to establish visa facilitation schemes for Belarusian and Russian civil society, human rights defenders, independent journalists, academia, and democratic forces respecting the values and principles of the Organisation, including the territorial integrity of sovereign member States.

B. Draft recommendation³

1. Recalling that the Russian Federation's aggression against Ukraine is a serious violation of international law and a serious breach of the Council of Europe Statute (STE No. 1), the Parliamentary Assembly welcomes the decision of the Committee of Ministers, taken on 16 March 2022, to exclude the Russian Federation from membership in the Council of Europe, in line with Assembly Opinion 300 (2022).
2. The role of the Council of Europe in relation to this crisis, however, does not end with the Russian Federation's exclusion from the Organisation. The Council of Europe should be part of the international community's effort to exert maximum pressure on the Russian Federation to cease the hostilities, withdraw its troops and be held accountable for the crimes and damage it has inflicted throughout this continued aggression.
3. Furthermore, the Council of Europe should continue to give proof of unity and resolve by being in the front line to support Ukraine. To this end, the Assembly calls on the Committee of Ministers to establish, without delay, a package of immediate assistance measures in response to the needs expressed by the Ukrainian authorities, also taking into account the following priorities:
 - 3.1. strengthening the resilience and capacity of public institutions to carry out their responsibilities and to enforce the Council of Europe standards, notably in the areas of the rule of law, with specific support to the judiciary and the prosecution authorities as well as in the area of freedom of expression, with the aim of combating Russian propaganda and disinformation;
 - 3.2. taking all the necessary practical measures to ensure that Ukraine can continue to be an active member of the Council of Europe and participate in its activities despite the war of aggression;
 - 3.3. supporting investigations into alleged human rights and humanitarian law violations and other international crimes, by strengthening the capacity of Ukrainian authorities, non-governmental organisations, journalists and civil society to document and collect evidence;
 - 3.4. addressing the needs of those who are in a situation of vulnerability, including displaced persons, women, the elderly, persons with disabilities and victims of trauma and children, including separated or unaccompanied children, and potential or actual victims of trafficking;
 - 3.5. contributing to ensuring freedom of information, freedom of the media and the protection of journalists.
4. In addition, the Assembly invites the Committee of Ministers to consider a package of assistance measures to be implemented in the aftermath of the conflict, to be developed in close consultation with the Ukrainian authorities, in response to the evolution of their needs, and in co-ordination with the Council of Europe's international counterparts.
5. The Assembly reiterates its view that the Council of Europe should continue to support and engage with human rights defenders, democratic forces, independent media and civil society from Belarus and the Russian Federation, two non-member States who are involved in this aggression. This policy would enable the Organisation to be a community of values and would be in line with the importance of engaging with non-governmental organisations and civil society as acknowledged by several Council of Europe ministerial meetings. In this context, the Assembly invites the Committee of Ministers to ensure that:
 - 5.1. Belarusian and Russian human rights defenders, democratic forces, independent journalists and civil society, who respect the values and principles of the Organisation, including the territorial integrity of sovereign member States, can be invited to participate in Council of Europe meetings under the same conditions as their counterparts from Council of Europe member States;
 - 5.2. key Council of Europe documents, publications and web pages are available in Russian;
 - 5.3. the Platform to promote the protection of journalism and safety of journalists continues to monitor the situation of freedom of the media and the safety of journalists in Belarus and the Russian Federation;
 - 5.4. Belarusian and Russian legal professionals can be informed and trained on Council of Europe standards and instruments, having access to Council of Europe material, courses and training opportunities.

3. Draft recommendation adopted by the committee on 21 April 2022.

6. The Assembly also invites the Committee of Ministers to assess the feasibility of setting up a dedicated programme to enable Belarusian and Russian human rights defenders, democratic forces, independent journalists and civil society, who respect the values and principles of the Organisation, including the territorial integrity of sovereign member States, to be actively involved in the activities of the Council of Europe.

7. The Assembly reiterates its support for the organisation of a 4th Summit of Heads of State and Government of Council of Europe member States, to reaffirm the values of democracy, human rights, and the rule of law and elaborate a new vision for the Organisation, in the context of the European multilateral architecture. The Summit should associate high level representatives of the European Union and address challenges such as:

- 7.1. promoting democratic security also as a precondition of peace and stability;
- 7.2. tackling the root causes of the backsliding of democracy;
- 7.3. revitalising democracy through innovation and greater citizen involvement;
- 7.4. establishing effective early warning mechanisms, to take prompt, decisive and collective action in the face of threats to the rule of law, democratic standards and human rights protection.

8. The Assembly calls on the governments of Council of Europe member States, and the Committee of Ministers as a whole, to mobilise and show their continued trust in the Council of Europe by ensuring that it has the necessary resources to carry out its mandate. The Assembly also encourages stepping up voluntary contributions to ensure that the Council of Europe can provide assistance and support to Ukraine, both immediately and once Russian Federation's war of aggression is over, and strengthen the overall operational capacity of the Organisation.

C. Explanatory memorandum by Mr Frank Schwabe, rapporteur

1. Introduction

1. The Russian Federation's aggression against Ukraine is the largest and deadliest conflict in Europe since the Second World War, causing thousands of casualties amongst civilians, millions of displaced persons, widespread trauma, violence, death, and devastation.
2. Although Ukraine and Ukrainians are bearing the brunt of this aggression, this war is much more than a bilateral issue between two States. In this war, not only are values and principles at stake, but also peace and prosperity, in Europe and beyond.
3. In its Opinion 300 (2022), adopted on 15 March 2022, the Parliamentary Assembly took a clear stand, unanimously reiterating its support for the independence, sovereignty, and territorial integrity of Ukraine within its internationally recognised borders and condemning the Russian Federation's unjustified and unprovoked aggression. In its Opinion, the Assembly said that, in light of the gravity of its violations of international law and the ensuing breach of trust, the Russian Federation could no longer be a member of the Council of Europe.
4. That very day, the Russian Federation announced its withdrawal from the Organisation and its intention to denounce the European Convention on Human Rights (ETS No. 5). On 16 March 2022, the Committee of Ministers formally decided on the Russian Federation's exclusion from the Council of Europe on the basis of Article 8 of its Statute (ETS No. 1).⁴ The Russian Federation remains a High Contracting Party to the European Convention on Human Rights until 16 September 2022.
5. The role of the Council of Europe in relation to this crisis does not end with the Russian Federation's exclusion from the Organisation. The Council of Europe should be part of the international community's effort to exert maximum pressure on the Russian Federation to cease the hostilities, withdraw its troops from the sovereign territory of Ukraine and be held accountable for the crimes and damages it has inflicted throughout this continued aggression. The Council of Europe should deploy all available means to support and assist Ukraine, during this war and in the future. It should also open a reflection on its role in the new historical context created by this war.
6. The present report has been prepared to inform a general policy debate to be held during the 2022 second part-session of the Assembly. It is complementary to other reports which are currently under preparation in several Assembly committees, dealing with the humanitarian situation; ensuring accountability for war crimes, international humanitarian law and human rights violations; and addressing security challenges in Europe, to mention a few.
7. This report takes stock of the developments which have occurred since the adoption of Opinion 300 (2022), even if the situation is rapidly evolving and many facts and figures will be outdated once the report is debated. Most importantly, the report puts forward recommendations for action by the Council of Europe and its member States, some of which were already outlined in the Opinion.

2. The security situation in Ukraine

8. Since 24 February 2022, the Russian Federation has unleashed a full-scale invasion of Ukraine, attacking from three fronts, with strikes by land, air and sea, in the largest military offensive that Europe has witnessed since the end of the Second World War.
9. During the first week, the Russian military shifted from strategic strikes against military targets using cruise missiles to a ground attack and then laying siege to major cities, including by using rocket artillery and cluster munitions against residential buildings, hospitals, schools, and other civilian infrastructure.
10. At the time of writing, Russian forces have redeployed from the area north of Kyiv towards the eastern regions of Ukraine, which leads one to expect the imminence of a large-scale offensive in the East. In the South, Russian forces continue to lay siege to Mariupol. According to its Mayor, over 10 000 people have died because of the siege.⁵

4. [Resolution CM/Res\(2022\)2 on the cessation of the membership of the Russian Federation to the Council of Europe.](#)

5. ["Civilians flee eastern Ukraine in advance of a widely forecast attack – as it happened", World news, The Guardian.](#)

11. The weaponry and tactics used by the Russian military have greatly exacerbated the plight of civilians. Recourse to heavy artillery, multi-launch rocket systems and air strikes against populated areas have contributed to the indiscriminate effects of this conflict. The United Nations High Commissioner for Human Rights has said there are credible reports that Russian armed forces have used cluster munitions in populated areas of Ukraine at least two dozen times since the invasion began.⁶ Add to this the alleged use of thermobaric weapons⁷ and land mines, which have claimed innocent lives, and the picture is harrowing. On 30 March 2022, the Ukrainian Deputy Interior Minister said that approximately 300 000 km² of Ukrainian territory had been contaminated by explosive devices.⁸

12. In early April, the disturbing discovery of mass graves and bodies of executed civilians along the streets of Bucha, a Kyiv suburb, caused global outrage. While the Russian Federation claimed that this was fake news and that the bodies were not there when its forces were in control of the area, satellite imagery confirmed otherwise.⁹

13. Numerous testimonies are emerging of rape, including gang rape, and sexual violence being carried out by Russian troops, sometimes in front of the victims' families, including children. "Alongside murder, pillage and torture, rape is being used as a weapon to break, demoralise and destroy people, homes and families", as said by Zita Gurmai, the Assembly General Rapporteur on violence against women.¹⁰

14. There is ample evidence that Russian forces use abduction and arbitrary detention against the civilian population, especially public officials, journalists, civil rights and political activists and other persons having a prominent role at local level, as a way to intimidate the population or to be exchanged for prisoners of war. Mayors and local officials have been especially targeted.¹¹ In Motyzhyn, a village near Bucha, the local mayor, Olga Sukhenko, was discovered half-buried in a ditch alongside members of her family.

15. At the same time, there are allegations of violations of international humanitarian law from the part of Ukrainian forces, including ill-treatment and killing of prisoners of war and attacks against civilians.¹²

3. The humanitarian consequences of the aggression

16. Day after day, the humanitarian situation is increasingly dire. Over 1 400 civilians have been confirmed dead, and 2 000 injured, since 24 February 2022, including almost 300 children.¹³ The actual figures are certainly much higher, as information from locations where intense hostilities have been taking place, such as Mariupol, Volnovakha, Izium and Irpin, is difficult to find and corroborate. Hundreds of thousands of people are trapped in cities with no access to food, water, heat, shelter, or electricity, with no respite in sight.

17. Access to health care is severely limited by insecurity and the lack of basic supplies. The United Nations has verified dozens of incidents in which medical facilities have been damaged, including 50 hospitals,¹⁴ and Ukrainian Government figures go as high as 135.¹⁵ In early March, the shelling of a maternity and children's hospital in Mariupol was an example which gave rise to international condemnation.

18. Due to the conflict, more than 4 in 10 people in Ukraine are worried about finding enough to eat. The UN World Food Programme has provided emergency assistance to one million people inside Ukraine,¹⁶ and projects an exponential rise in food insecurity across all areas of the country. Given the region's role in global wheat supply, there is great concern regarding the conflict's impact on humanitarian food assistance elsewhere.

6. <https://news.un.org/en/story/2022/03/1115092>.

7. <https://news.sky.com/story/ukraine-war-russia-confirms-it-has-used-thermobaric-weapons-says-uks-ministry-of-defence-12561830>.

8. www.youtube.com/watch?v=hWtfvS4kZo0.

9. www.france24.com/en/live-news/20220404-satellite-images-show-bodies-in-bucha-for-weeks-rebutting-moscow-claim.

10. The Assembly General Rapporteur denounces the horrifying sexual violence reportedly perpetrated by Russian military forces in Ukraine.

11. See statement by the Chairperson of the Association of Ukrainian Cities and by the President of the Congress of Local and Regional Authorities.

12. Moscow Mechanism report (osce.org), 5 April 2022

13. www.ohchr.org/en/news/2022/04/ukraine-civilian-casualty-update-3-april-2022.

14. <https://news.un.org/en/story/2022/03/1115092>.

15. <https://reliefweb.int/report/ukraine/attacks-ukraine-s-hospitals-will-cause-long-term-harm-health>.

16. www.wfp.org/news/wfp-reaches-one-million-people-life-saving-food-support-conflict-stricken-ukraine.

19. Ukrainian cities have largely borne the brunt. Large urban centres, from Kharkiv in the north to Mykolaiv in the south, have witnessed relentless shelling and isolation from supplies. Almost 100 000 people remain trapped in Mariupol alone, which has been under consistent heavy attack since the beginning of the invasion. 90% of Mariupol's residential buildings have been affected by active fighting, with some 40% completely destroyed.¹⁷ Authorities estimate that 300 people were killed during the shelling of a theatre in the city on 6 March 2022. Similarly horrifying conditions are faced by the city of Chernihiv, where 130 000 people – less than half of the normal population – are stuck with little or no access to running water, electricity, heat, medical care, or communications.¹⁸

20. The situation is also particularly worrying in eastern Ukraine, an area which has already been exposed to eight years of armed conflict, isolation of communities, deteriorating infrastructure, multiple movement restrictions and high levels of landmines. In the Donetsk and Luhansk regions, 1 504 civilian casualties have been recorded, with the vast majority in government-controlled territory.¹⁹ It is important to recall that even before the current military campaign, 1.1 million people were in need of food and livelihood assistance in eastern Ukraine.

21. The scale of displacement caused by this conflict is staggering. In just the first five weeks of the war, a quarter of the population of Ukraine has been forced to flee their homes. Six and a half million people have been displaced internally within Ukraine, with an additional 13 million estimated to be stranded in affected areas or unable to leave due to heightened security risks.²⁰

22. It is shocking to think that, one month after the beginning of the war, 4.3 million children – more than half of Ukraine's children – have been displaced. This includes 2.5 million who are now internally displaced inside Ukraine.²¹ Over 450 000 children aged 6 to 23 months need complementary food support. UNICEF has already observed a reduction in vaccination coverage for routine and childhood immunisations, including measles and polio. This could quickly lead to outbreaks of vaccine-preventable diseases, especially in overcrowded areas where people are sheltering from the violence. Speaking on the occasion of the launch of the new Council of Europe Strategy for the Rights of the Child at a high-level conference in Rome, Tiny Kox, President of the Assembly, highlighted the importance of supporting children affected by the war in Ukraine.²²

23. More than 1.8 million children have crossed into neighbouring countries. Amongst them, many are unaccompanied or have been separated from their parents or family members, which exposes them to a high risk of human trafficking and exploitation.

24. Local authorities have played a significant role in organising evacuations, co-ordinating relief, and adapting to the influx of displaced persons. They have also called for a more streamlined approach to humanitarian donations in order to ensure that support actually reaches those in need.²³

25. During its first visit to Ukraine since the beginning of this aggression, the Presidential Committee of the Assembly met with the Mayor of Lviv, Andriy Sadovyy, and the head of the regional civil-military administration, Maxim Kozycky. It visited the local Humanitarian Aid Co-ordination centre, praising the efforts made by local authorities to help the huge number of internally displaced persons who reached the city in search for safety. Lviv is estimated to be hosting approximately 200 000 internally displaced persons – more than a quarter of its normal population – with the mayor warning that the city is facing a breaking point.²⁴

26. It is a matter of grave concern that, since the beginning of the conflict, humanitarian corridors have been difficult to establish and, when set up, they have not been respected. While representatives of Ukraine and the Russian Federation have had exchanges at various levels and agreed on the need to establish humanitarian corridors,²⁵ few concrete workable solutions have been announced. A proposal by Moscow to create humanitarian corridors from six heavily bombed Ukrainian cities was rejected by Kyiv, and condemned by international leaders, after it turned out that most of the safe routes would lead to the Russian Federation and Belarus.²⁶

17. <https://data2.unhcr.org/en/documents/details/91719>.

18. <https://reliefweb.int/report/ukraine/ukraine-humanitarian-impact-situation-report-1200-pm-eet-1-april-2022>.

19. www.ohchr.org/en/news/2022/04/ukraine-civilian-casualty-update-3-april-2022.

20. <https://data2.unhcr.org/en/documents/details/91719>.

21. "More than half of Ukraine's children displaced after one month of war" (unicef.org).

22. Tiny Kox: "international solidarity with the children of Ukraine is now obligatory", 7 April 2022.

23. www.euractiv.com/section/politics/news/ukrainian-mayors-ask-where-ngo-aid-has-gone-call-for-organisation/.

24. <https://reliefweb.int/report/ukraine/ukraine-humanitarian-impact-situation-report-300-pm-eet-8-march-2022>.

25. www.rferl.org/a/ukraine-cities-bombardment-continues/31733661.html.

26. www.france24.com/en/live-news/20220307-ukraine-rejects-russian-humanitarian-corridors-offer; www.theguardian.com/world/2022/mar/07/russia-humanitarian-corridors-ukraine-war-mariupol-kyiv.

27. In late March 2022, the Russian and Ukrainian Governments announced that Russian forces would allow three humanitarian corridors to be established in the region.²⁷ On 30 and 31 March, nearly 2 990 people arrived in Zaporizhzhia in private cars, including more than 1 440 from Mariupol. The International Committee of the Red Cross (ICRC), however, was prevented from reaching Mariupol on 1 April to facilitate the safe passage of civilians²⁸, and evacuation buses from the nearby cities of Berdiansk and Melitopol were also not allowed to progress.²⁹

28. The Russian Federation's aggression against Ukraine has triggered the biggest refugee exodus in Europe since the Second World War, and one of the fastest-growing refugee emergencies on record, according to the UN High Commissioner for Refugees. Over four million people have sought refuge outside the country as of 3 April, with more than a million fleeing in the first week of the conflict alone.³⁰ 90% of the refugees resulting from this conflict are women and children.³¹

29. Neighbouring countries have taken in the largest share of refugees, with Poland alone receiving 2.4 million people. Romania is hosting 640 000, the Republic of Moldova and Hungary upwards of 390 000, and the Slovak Republic 300 000.

30. In order to face these enormous challenges, neighbouring countries have gone to considerable lengths to quickly adopt tailored measures to provide housing, food, cash, and schooling for refugees, in addition to aid for local families hosting them.³² Their efforts should be commended and further supported by the international community, including the Council of Europe. There is a need for financial assistance, medical and other aid, and also expert programmes to meet the needs of those who are in a vulnerable situation, such as victims of gender-based violence, victims of trauma, children, persons with disabilities and the elderly. At the same time, all those concerned should avoid discriminating against people fleeing from the conflict, on any grounds.

31. As emphasised by the Council of Europe Commissioner for Human Rights on 24 March 2022, all member States, whether neighbouring Ukraine or not, should strengthen their efforts to co-ordinate and scale up support for the response to the humanitarian and human rights needs of people fleeing the war in Ukraine.³³

32. A European Commission index showed that Austria, Cyprus, Czech Republic, and Estonia were among the countries not bordering Ukraine under the greatest pressure from the refugee intake.³⁴ The Russian Federation and Belarus also report hosting 350 000 and 15 000 Ukrainian refugees, respectively.³⁵ However, there have been reports of forced relocations of civilians to the Russian Federation, including thousands from Mariupol. The Government of Ukraine claims 40 000 people have been moved to Russian-held territory without any co-ordination with Kyiv.³⁶

33. As highlighted by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), public officials and civil society organisations in countries receiving Ukrainian refugees must be alerted to the risks of human trafficking and exploitation.³⁷

4. The global consequences of the aggression

34. The consequences of the continued Russian Federation's invasion against Ukraine are already being felt in Europe and worldwide.

27. www.france24.com/en/europe/20220331-live-putin-misled-on-ukraine-by-advisers-according-to-us-and-uk; www.voanews.com/a/red-cross-to-facilitate-evacuation-of-civilians-from-ukraine-s-port-city-of-mariupol-/6509143.html.

28. <https://www.icrc.org/en/document/ukraine-icrc-team-unable-reach-mariupol-renewed-attempt-tomorrow>.

29. <https://reliefweb.int/report/ukraine/ukraine-humanitarian-impact-situation-report-1200-pm-eet-1-april-2022>.

30. <https://data2.unhcr.org/en/situations/ukraine>.

31. <https://www.unodc.org/unodc/press/releases/2022/March/targeted-by-traffickers---ukrainian-refugees-at-high-risk-of-exploitation.html>.

32. www.bbc.com/news/world-60555472;

www.reuters.com/world/europe/poland-set-up-175-bln-fund-help-ukrainian-refugees-2022-03-07/.

33. www.coe.int/en/web/commissioner/-/commissioner-urges-more-coordinated-efforts-by-all-member-states-to-meet-the-humanitarian-needs-and-protect-the-human-rights-of-people-fleeing-the-war.

34. <https://euobserver.com/migration/154557>.

35. <https://data2.unhcr.org/en/situations/ukraine>.

36. www.bbc.com/news/world-europe-60894142.

37. www.coe.int/en/web/portal/-/human-trafficking-experts-states-must-urgently-protect-refugees-fleeing-ukraine.

35. At geopolitical level, the unleashing of a war of aggression by a Permanent Member of the UN Security Council poses a daunting challenge to global governance, undermining the ability of this body to shoulder its responsibility to maintain peace and security and destabilising the multilateral system which was established following the Second World War.

36. At economic level, the conflict will worsen the economic crisis linked to the Covid-19 pandemic. According to the Organization for Economic Cooperation and Development (OECD), global economic growth will be more than 1% lower in 2022 as a result of the war while inflation, which was already high at the start of the year, may rise by about a further 2.5% points across the world.³⁸

37. With the Russian Federation supplying around 19% of the world's natural gas and 11% of oil, energy prices will be rising steeply. The increase of energy costs will disrupt the production of goods and services worldwide and will have far-reaching consequences on economic growth as well as political and social stability.

38. One of the most alarming consequences of the war will be food insecurity. The Russian Federation and Ukraine are important producers of wheat and fertilisers, which used to be shipped through the Black Sea and the Bosphorus. As the UN Food and Agriculture Organisation has said, "Food prices were already high due to unpredictable weather, in part because of climate change, and the Covid-19 pandemic. Now with the invasion of Ukraine, the world's food systems could be tipped into disaster".³⁹

39. This problem will be particularly serious in the Middle East and North Africa (MENA), which in 2020 received more than 50% of Ukraine's wheat exports. Extensive conflict or a blockade of the Black Sea would limit the agricultural products available to MENA countries, giving rise to a potential food crisis. Food prices are already at a 10-year high, reaching levels comparable to those during the Arab Spring.⁴⁰

40. A report just published by the World Food Programme (WFP) warns that the costs of its global operations look set to increase by \$29 million a month. When added to pre-existing increases of \$42 million (since 2019), the total additional costs facing the World Food Programme are \$71 million per month.⁴¹ 44 million people in 38 countries around the world would be at risk of famine.

41. It goes without saying that this war is also the biggest security threat since the end of the Second World War. As the aggression continues and the evidence of atrocities surfaces, the risk of an enlargement of the conflict cannot be excluded. Similarly, President Putin's decision to put nuclear forces on high alert, Russian statements which do not categorically exclude the recourse to nuclear weapons and the move to order Russian troops to take control of some of Ukraine's nuclear facilities have fuelled fears of a nuclear escalation. The United States has also warned the Russian Federation against the use of chemical weapons.

42. At European level, an evident consequence of this aggression is the re-emergence of a dividing line in Europe, including in the area of defence. In consideration of the Russian Federation's hostile actions and rhetoric, the NATO Response Force has been activated with 40 000 troops being positioned in the eastern flank of the Alliance, along with significant air and naval assets, under direct NATO command. NATO has also established four multinational battle groups in Bulgaria, Hungary, Romania, and the Slovak Republic, in addition to the existing battle groups already stationed in Estonia, Latvia, Lithuania and Poland. NATO Allies are also working to increase the resilience of their societies and infrastructure to counter the Russian Federation's malign influence by enhancing cyber capabilities and defences and providing support to each other in the event of cyberattacks.

43. In addition to these immediate responses, NATO is strengthening its deterrence and defence posture for the longer term, in the face of a more dangerous strategic reality in Europe. A number of European countries have announced increases in their defence budget, while Finland and Sweden have expressed their wish to join NATO,⁴² despite threats by the Russian Federation.⁴³

38. [OECD Economic Outlook](#), March 2022.

39. ["These foods could soon be in short supply due to the war in Ukraine"](#), Euronews.

40. ["The potential impact of Ukraine-Russia conflict on the MENA region"](#), Middle East Institute (mei.edu).

41. ["Food security implications of the Ukraine conflict"](#), World Food Programme (wfp.org).

42. ["Finland, Sweden could reportedly join NATO by this summer"](#), nypost.com.

43. ["Russia warns against Finland and Sweden Nato bid"](#), euobserver.com.

44. The war is also affecting the European multilateral architecture. Amongst European organisations, the European Union has taken up a leadership role in the face of the Russian Federation's aggression, through a complex response which has highlighted its potential as a global player. Its response has been articulated through:

- a clear and unequivocal message at the highest political level, epitomised by the visits to Kyiv by the President of the European Parliament, Roberta Metsola, and the President of the European Commission, Ursula von der Leyen;
- the adoption of measures aimed at providing humanitarian assistance to Ukraine and Ukrainians;
- the prompt setting up of a team to collect evidence and investigate, in cooperation with the Ukrainian Public Prosecutor, war crimes committed on the territory of Ukraine;
- the adoption of a wide range of sanctions against the Russian Federation;
- the willingness to explore alternatives to energy dependency from the Russian Federation;
- the willingness to step up the development of a European defence policy.

45. The European Union has also increased its political attraction for a number of Council of Europe member States who are particularly weary of the Russian Federation's foreign policy ambitions: in addition to Ukraine, also Georgia and the Republic of Moldova have requested to join the European Union, asking for their applications to be swiftly considered in the light of the rapidly changing security landscape in Europe.

46. As observed by the United Nations Under-Secretary-General for Peace Building and Political Affairs, Rosemary DiCarlo, the war in Ukraine is the most severe test that the OSCE has faced since its creation in 1975.⁴⁴ Addressing the UN Security Council, Under-Secretary-General DiCarlo warned that the Russian Federation's invasion of Ukraine risks dismantling long-standing confidence-building measures, arms control treaties and other frameworks in Europe that were designed and agreed to sustain regional security. This may result in OSCE-led processes now being openly questioned by parties involved in them.

47. It is also deeply regrettable that, in March 2022, the OSCE Special Monitoring Mission to Ukraine was not renewed, because of lack of consensus.⁴⁵ The OSCE had been deployed since 2014 to observe and report in an impartial and objective way on the situation in Ukraine and to facilitate dialogue among all parties to the crisis.⁴⁶

48. On the other hand, on 3 March 2022 the Moscow Mechanism of the human dimension of the OSCE was invoked by Ukraine supported by 45 participating States. Consequently, a Mission of three experts was appointed on 14 March 2022. Its mandate covered establishing the facts and circumstances surrounding possible contraventions of OSCE commitments, and violations and abuses of international human rights law and international humanitarian law; and establishing the facts and circumstances of possible cases of war crimes and crimes against humanity, including due to deliberate and indiscriminate attacks against civilians and civilian infrastructure; and to collect, consolidate, and analyse this information with a view to presenting it to relevant accountability mechanisms, as well as national, regional, or international courts or tribunals that have, or may in future have, jurisdiction.

49. The report was delivered on 5 April 2022 and represents an important contribution towards establishing accountability.⁴⁷ The mission deployed under the Moscow mechanism found clear patterns of international humanitarian law violations by the Russian forces in their conduct of hostilities. Furthermore, much of the conduct of Russian forces displayed in the parts of Ukraine it occupied before and after 24 February 2022, including through its proxies, the self-proclaimed "republics" of Donetsk and Luhansk, violates international humanitarian law of military occupation. The mission has considered the impact of the current conflict on human rights and concluded that the impact of the conflict on the enjoyment of human rights has gone beyond the direct violations of these rights.

44. "DiCarlo: War in Ukraine Most Severe Test OSCE Has Faced Since Creation", Department of Political and Peacebuilding Affairs (un.org).

45. Chairman-in-Office and Secretary General expressed regret that no consensus reached on extension of mandate of Special Monitoring Mission to Ukraine | OSCE.

46. OSCE Special Monitoring Mission to Ukraine | OSCE.

47. Moscow Mechanism report (osce.org).

5. The response of the international community

5.1. Exerting diplomatic, economic and financial pressure on the Russian Federation to cease its aggression

50. The United Nations Security Council has no possibility to take action against this serious threat to peace and security because of the Russian Federation's veto right. In these circumstances, the leadership role in this crisis has been taken by the United Nations General Assembly.

51. On 2 March 2022, the United Nations General Assembly approved a resolution labelling the invasion as an aggression and asking the Russian Federation to "immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders." Five countries – Belarus, Eritrea, North Korea, Syria and the Russian Federation voted against it; 35 abstained while the remaining 141 voted in favour.

52. On 7 April 2022, the suspension of the Russian Federation from the Human Rights Council gave an additional blow to the Russian Federation's international standing. Led by the United States following the discovery of atrocities in Bucha, the suspension was decided by the UN General Assembly with 93 votes in favour, 24 against and 58 abstentions. It is the first time in the history of the United Nations that such a measure has been taken against a permanent member of the UN Security Council. Following the vote, the Russian Federation announced that it had decided to quit.

53. In addition to the Council of Europe, since the outbreak of this offensive also other international organisations have taken measures to suspend or bring to an end their relations with the Russian Federation: the International Labour Organization (ILO) has temporarily suspended technical co-operation assistance to the Russian Federation, except for humanitarian aspects,⁴⁸ while the OECD has decided to formally terminate the Russian Federation's accession process, which had been postponed since 2014.⁴⁹

54. Some countries are considering whether to exclude the Russian Federation from the International Monetary Fund (IMF), the World Trade Organization (WTO), the World Bank and other development lenders as a sanction for its invasion of Ukraine. The Bank for International Settlements (BIS) has suspended its work with the Russian Federation. The continuation of the Russian Federation's membership in the G20 is in question and Ukraine has called for the Russian Federation's expulsion from the United Nations.

55. In response to the Russian Federation's aggression against Ukraine, the European Union, the United Kingdom, the United States of America, and several other countries have, in a coordinated effort, introduced a range of economic and financial sanctions of unprecedented magnitude.

56. These measures are aimed at weakening the Russian Federation's capacity to finance the war and to impose clear economic and political costs on the leadership of the Russian Federation, who is responsible for the aggression. They include:

- targeted restrictive measures against Russian individuals or entities;
- economic and financial sanctions;
- diplomatic measures, such as the expulsion of Russian diplomatic staff;
- the suspension of broadcasting of state-owned Russian media Sputnik and RT;
- restrictions on economic relations and trade.

57. Since 23 February 2022, the European Union has adopted five packages of sanctions,⁵⁰ which add up to the measures which had already been introduced against the Russian Federation as a result of its illegal annexation of Crimea. Despite them being the farthest-reaching sanctions ever adopted in the history of the European Union, they have been criticised by the Ukrainian authorities and others for not going far enough, and in particular for being too gradual and largely excluding the energy sector, with only the most recent package including a ban on importing coal.

48. [Ukraine: ILO Governing Body adopts resolution on Russian Federation's aggression against Ukraine.](#)

49. [Statement from OECD Secretary-General on further measures in response to Russia's large-scale aggression against Ukraine – OECD.](#)

50. www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-ukraine-crisis/.

58. Amongst Council of Europe member States who are not EU member States, the United Kingdom has adopted the most stringent package of sanctions, amending its Russia (Sanctions) (EU Exit) Regulations 2019, which is its key legal act setting out United Kingdom's financial, trade, aircraft, shipping and immigration sanctions against the Russian Federation.⁵¹ In addition, Albania, Andorra, Iceland, Liechtenstein, North Macedonia, Norway, Monaco, San Marino, Switzerland and Ukraine have aligned with the international sanctions, while Montenegro joined the EU sanctions without implementing them. Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Serbia, and Turkey refrained from introducing sanctions against the Russian Federation.

5.2. Ending energy dependency on the Russian Federation

59. Several Council of Europe member States rely heavily on Russian gas. Despite differences between member States, the European Union imports 41% of its gas and 25% of its oil from the Russian Federation. This war has emphasised the importance of minimizing dependence on the Russian Federation for key imports, diversifying energy sources, as well as accelerating the transition away from fossil fuel by increasing investments in renewable energy. In this new international context, it is evident that continuing to buy Russian energy helps the Russian Federation finance this war while creating a dangerous strategic dependency on an aggressor State.

60. On 8 March 2022, the European Commission published an outline of a plan to cut EU dependency on Russian gas by two thirds in 2022 and end all Russian fossil fuel imports well before 2030, starting with gas. To do so, the Commission proposed to develop a REPowerEU plan that will increase the resilience of the EU-wide energy system based on two pillars: diversifying gas supplies, via higher liquefied natural gas and pipeline imports from non-Russian suppliers, and larger volumes of biomethane and renewable hydrogen production and imports; and, reducing faster the use of fossil fuels in homes, buildings, industry, and power system, by boosting energy efficiency, increasing renewables and electrification, and addressing infrastructure bottlenecks.⁵²

61. This plan has been criticised as too slow by some countries⁵³ and yet, according to some experts, the EU target is unrealistic in the short term and "Europe is rather looking at a slow divorce from the Russian Federation over the next ten years."⁵⁴ The EU target also exceeds what the International Energy Agency (IEA) and analysts estimate as feasible, not only because of the high level of dependence on Russian gas but also because the European Union has committed to limit its greenhouse gas emissions.

62. The IEA has put together a 10-part plan to help the region reduce its dependence on the Russian energy source by a third in one year while still adhering to the European Green Deal. The plan which is a collection of actions designed to diversify Europe's energy supply, accelerate its move toward renewables and focus on energy efficiency, includes not renewing expired contracts, ramping up renewable sources, keeping open existing nuclear power plants and asking the public to turn down the heat inside buildings.⁵⁵

5.3. Ensuring accountability for war crimes, international human rights and humanitarian law violations

63. In the face of mounting and conclusive evidence of war crimes, human rights and international humanitarian law violations, the international community should take co-ordinated action towards ensuring the accountability of the perpetrators, from whichever side they are.

64. Several international bodies have jurisdiction and have already initiated proceedings or investigations. It is important to support these efforts by making available resources and expertise to contribute to the collection of evidence. In its Opinion 300 (2022), the Assembly decided to evaluate proposals to establish a special international criminal tribunal for war crimes committed during the aggression. While this assessment will be carried out by the Committee on Legal Affairs and Human Rights through its report, I believe that there are strong grounds to argue in support of the creation of a special tribunal to investigate and prosecute the crime of aggression, which is not covered by the jurisdiction of the International Criminal Court.

51. UK sanctions relating to Russia – GOV.UK (www.gov.uk).

52. https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1511.

53. Bucha massacre tests Europe's red lines on Russian energy – The Washington Post.

54. www.reuters.com/business/energy/europe-faces-struggle-escape-russian-gas-this-year-2022-03-17/.

55. www.cnbc.com/2022/03/07/how-europe-can-reduce-dependence-on-russian-gas-according-to-iea.html.

5.3.1. *Proceedings before the International Criminal Court*

65. On 28 February 2022, Karim Khan, the International Criminal Court (ICC) Prosecutor, confirmed that there was a reasonable basis to proceed with opening an investigation on alleged war crimes and crimes against humanity committed in Ukraine. Subsequently, his Office received referrals on the situation in Ukraine from 41 ICC States Parties – out of which 35 are Council of Europe member States – under article 14 of the Rome Statute.

66. On the strength of this unprecedented collective call for action by State Parties, the ICC Prosecutor has opened an investigation into the situation in Ukraine, encompassing within its scope any past and present allegations of war crimes, crimes against humanity or genocide committed in any part of the territory of Ukraine by any person from 21 November 2013 onwards.

67. In early March 2022, an ICC investigative team was deployed to the region to collect evidence. As the Prosecutor said in a statement, “International criminal investigations require the engagement of all those who may hold information relevant to our work. Witnesses, survivors and affected communities in particular must be empowered to actively contribute to our investigations. There can be no bystanders in our effort to establish the truth and pursue those allegedly responsible for international crimes”.⁵⁶ To facilitate this process, the ICC has set up a dedicated portal through which any person that may hold information relevant to the Ukraine situation can contact their investigators.

68. The collective support of all States Parties and the international community more broadly will also continue to be essential to accelerate the investigation work. To this end, the ICC has extended an invitation to all States Parties to provide assistance including through voluntary financial contributions and the provision of national experts on a secondment basis.

5.3.2. *Proceedings before the International Court of Justice*

69. On 26 February 2022, Ukraine filed an application before the International Court of Justice (ICJ) instituting proceedings against the Russian Federation concerning a dispute relating to the interpretation, application, and fulfilment of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The application aims to show that claims that Ukraine is responsible for genocide in the Luhansk and Donetsk regions are unfounded and establishing that the Russian Federation thus has no lawful basis to take military action based on these false claims. Ukraine has also requested the ICJ to indicate provisional measures to prevent irreparable prejudice to the rights of Ukraine and its people.

70. On 16 March, the ICJ indicated interim measures, asking the Russian Federation to immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine, and to ensure that any military or irregular armed units which may be directed or supported by it, as well as any organisations and persons which may be subject to its control or direction, take no steps in furtherance of the military operations. It also asked both Parties to refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

71. The Russian authorities have indicated that, in their view, the Court lacked jurisdiction in the case and that the question of the participation of the Russian Federation in the proceedings is still under consideration.

5.3.3. *United Nations Human Rights Council: Commission of Inquiry on Ukraine*

72. On 3-4 March 2022, the UN Human Rights Council held an urgent debate on the situation of human rights in Ukraine stemming from the Russian aggression. The debate resulted in the adoption of a resolution which establishes an Independent International Commission of Inquiry to investigate alleged violations of human rights in the context of the Russian Federation's aggression against Ukraine.

73. The Commission is constituted by three human rights experts, appointed by the President of the Human Rights Council for an initial duration of one year, with the mandate to, among other things, investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes, in the context of the Russian Federation's aggression against Ukraine, and to establish the facts, circumstances, and root causes of any such violations and abuses; and to make recommendations, in particular on accountability measures, all with a view to ending impunity and ensuring accountability.

56. Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Additional Referrals from Japan and North Macedonia; Contact portal launched for provision of information ([icc-cpi.int](https://www.icc-cpi.int)).

74. On 30 March, the President of the Human Rights Council announced the appointment of Erik Møse of Norway, Jasminka Džumhur of Bosnia and Herzegovina and Pablo de Greiff of Colombia to serve as the three independent members of the Commission of Inquiry on Ukraine. Mr Møse will serve as chairperson of the Commission.

5.4. Supporting the humanitarian effort

75. The international community has mobilised in different ways to support the humanitarian effort necessary to alleviate the plight of Ukrainians affected by the war. This has taken different forms, from the introduction of special protection schemes to the organisation of large-scale funding initiatives. Given the extent of destruction and damage, the needs are immense.

76. The United Nations have launched a flash appeal to fund humanitarian operations, announced the release of \$20 million from the Central Emergency Response Fund to help meet these urgent needs, and appointed a Crisis Coordinator for Ukraine to lead the co-ordination of efforts. Similarly, other humanitarian organisations, such as the ICRC, have asked for support to meet the needs of those affected.

77. International financial institutions are also mobilised. At European level, the European Bank for Reconstruction and Development (EBRD) has approved a “War on Ukraine – EBRD Resilience Package”, initially sized at €2 billion, to respond to the immediate needs of the people affected by the war and – when conditions permit – support the substantial reconstruction of Ukraine.⁵⁷ The European Investment Bank (EIB) has prepared an emergency solidarity package for Ukraine of €2 billion, including the provision of €668 million in immediate liquidity assistance to the Ukrainian authorities. In parallel, the Bank is developing a multi-billion-euro package for the EU Eastern and Southern Neighbourhood, the EU Enlargement Region and Central Asia to mitigate the consequences of the refugee crisis and help address the social and economic fallout caused by the war.⁵⁸

78. As regards global institutions, the IMF disbursed emergency assistance of \$1.4 billion to Ukraine on 9 March 2022 under the Rapid Financing Instrument to help meet urgent financing needs including to mitigate the economic impact of the war. The World Bank Group has already mobilised more than \$925 million for Ukraine, including fast-disbursing budget support to help the government provide critical services to Ukrainian people, of which \$350 million has been disbursed.⁵⁹

79. The European Union is playing a major role in supporting the humanitarian effort. On 4 March 2022, the European Council adopted the Commission’s proposal to trigger, for the first time, the Temporary Protection Directive, allowing those fleeing the war in Ukraine to obtain temporary residence permits and access to education and the labour market in EU member States.⁶⁰ In the following weeks, the Commission issued Operational Guidelines to help with practical implementation of the Directive.⁶¹

80. Following a request from the Government of the Republic of Moldova, the European Union deployed Frontex staff to the country to conduct border management tasks including screening, registration and information collection.⁶² Working alongside the Moldovan authorities, this operation also aims to support the transfer of refugees to EU Member States.

81. On 21 March 2022, the European Commission launched a special call under the Technical Support Instrument to support member States with welcoming refugees from Ukraine and with the phasing out of their reliance on fossil fuels from the Russian Federation.⁶³ This instrument will provide no-cost technical support to the authorities who request it in order to address these two challenges emerging from the war. Further, on 28 March, the Home Affairs Council released a 10-point plan for stronger European co-ordination on welcoming people fleeing the war against Ukraine, which includes a joint platform for registration, the development of national contingency plans and a common anti-trafficking strategy.⁶⁴

57. [EBRD unveils €2 billion resilience package in response to the war on Ukraine.](#)

58. [Joint Statement of Heads of International Financial Institutions with programs in Ukraine and neighboring countries \(worldbank.org\).](#)

59. *Ibidem*.

60. https://ec.europa.eu/home-affairs/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en.

61. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022XC0321%2803%29&qid=1647940863274>.

62. https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1844.

63. https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1867.

64. https://ec.europa.eu/commission/presscorner/detail/en/IP_22_2152.

82. On the financial side, the President of the European Commission, Ursula von der Leyen, announced an emergency package of €500 million to deal with the humanitarian consequences of the crisis, including €93 million specifically for aid programmes to help civilians affected.⁶⁵ The European Commission contributed \$80 million to the United Nations' humanitarian Flash Appeal for Ukraine, representing 13% of total funding received so far.⁶⁶

83. Together with the Government of Canada, the European Commission has launched the Stand Up for Ukraine, an online pledging event in partnership with Global Citizen. The campaign answers a call for support launched by the President of Ukraine, Volodymyr Zelenskyy. The aim of the campaign is to raise funding and other types of support to cater for the needs of the people fleeing the invasion inside and outside Ukraine. The "Stand Up for Ukraine" global pledging event and campaign has raised €9.1 billion to date for people fleeing the Russian invasion, inside Ukraine and abroad, including €1 billion from the European Commission. On top of that, the EBRD has announced an additional €1 billion in loans to cover the needs of the people displaced by the invasion.⁶⁷

5.5. Providing military support to Ukraine

84. Addressing the meeting of NATO Ministers of Foreign Affairs and the G7 on 7 April 2022, the Minister of Foreign Affairs of Ukraine Dmytro Kuleba reiterated his strong pleas to provide military support to Ukraine, because "no matter how strange it may sound, today weapons serve the purpose of peace".⁶⁸

85. Since the beginning of the full-fledged invasion by the Russian Federation, more than 25 countries have responded to this call by sending weapons and military equipment to Ukraine.⁶⁹ The United States has sent billions of dollars in missiles, ammunition, and other items. In an unprecedented development, the European Union has decided to finance and purchase the delivery of weapons to Ukraine for a total of €450 million.⁷⁰ Both Finland and Germany have revised their long-standing policy that barred exporting weapons into war zones.

86. Some countries, such as Hungary, have been more reticent, not allowing for any lethal equipment to cross from its territory into Ukraine.

87. The repeated requests by the Ukrainian authorities for a no-fly zone to be established in Ukraine so far have gone unanswered. NATO and its members fear that enforcing a no-fly zone would bring their forces into direct contact with the Russian Federation's military, which would heighten the risk of an enlargement of the conflict and lead to more human suffering and destruction.

88. As explicitly indicated in its Statute, the Council of Europe has not competence in relation to defence issues. While I have decided to include this information to give an exhaustive picture of the international response, the Assembly should not enter into defence issues in its resolutions and recommendations.

5.6. Providing a platform for dialogue

89. Since 28 February 2022, there have been several rounds of negotiations between representatives of the Russian Federation and Ukraine. Some of them were held online while others were hosted by Belarus and, more recently, Turkey. While the initial talks focused on a cease-fire and the opening of humanitarian corridors, later discussions also addressed issues such as neutrality status, denuclearisation, NATO membership, international security guarantees and the status of Crimea.

90. Diplomatic efforts should be encouraged for the sake of saving human lives and avoiding human suffering and devastation. The efforts by States that are not involved in this conflict to provide a platform for dialogue should be praised. Any decision concerning negotiations and their possible outcomes, however, lies with the Ukrainian authorities, who are sovereign in their decisions.

65. https://ec.europa.eu/info/strategy/priorities-2019-2024/stronger-europe-world/eu-solidarity-ukraine/eu-assistance-ukraine_en.

66. https://fts.unocha.org/appeals/1102/donors?order=total_funding&sort=desc.

67. Stand Up For Ukraine: 9.1 billion euros pledged in support of internally displaced and refugees (europa.eu).

68. "Weapons serve the purpose of peace", says Ukrainian foreign minister", World News, Sky News.

69. "Ukraine war: Which countries are sending weapons and aid to forces fighting the Russian invasion?", Euronews.

70. "EU agrees to give €500M in arms, aid to Ukrainian military in 'watershed' move", POLITICO.

6. The Council of Europe response

6.1. Priority areas, relevance and timeliness

91. The Council of Europe has responded to the unfolding aggression by firmly showing its support for Ukraine and condemning the Russian Federation. The two statutory bodies of the Organisation – the Parliamentary Assembly and the Committee of Ministers – have acted in a spirit of consultation and collaboration, reaching the same unanimous conclusion: that the Russian Federation could no longer be a member of the Council of Europe. Following the adoption of its Opinion 300 (2022) by the Assembly on 15 March 2022, the Committee of Ministers decided, on 16 March, to exclude the Russian Federation from the Council of Europe.

92. This unprecedented decision, and the way it was reached, are important political messages. Now, faced with the magnitude of the catastrophe ravaging Ukraine, the Council of Europe should give proof of the same unity and resolve in being on the front line to provide support and assistance to its member State which is the victim of a foreign aggression.

93. If the Council of Europe wants to continue to be a relevant player, its priority should be helping Ukraine right now, listening attentively to the needs expressed by the Ukrainian authorities; responding positively and in a timely manner to their demands, if necessary thinking outside the box; and co-ordinating with other international and national actors who are mobilised to provide support. This unprecedented challenge requires unprecedented vision, enterprise, and effectiveness.

94. In light of its Statute, the Council of Europe should not be involved in any defence issue. It can and should, however, be involved in all issues relating to the protection of human rights, democracy, and the rule of law, in line with its mandate.

95. During the debate on Opinion 300 (2022), the Assembly considered a proposal for a Task Force to be set up to co-ordinate the Council of Europe response. This proposal has the merits of highlighting the need for a swift, structured, and co-ordinated response by the Organisation. It should also be recalled, however, that the Council of Europe has an Office in Ukraine, which is responsible for facilitating the implementation of the Council of Europe's mission in the country as well as co-ordinating and implementing co-operation projects and programmes. There is no need, therefore, for the Assembly to recommend the creation of a new structure. The Secretary General and the Committee of Ministers will decide which administrative structures will co-ordinate and preside over the implementation of the co-operation activities. What is important is that the Assembly and the Committee of Ministers continue to act in synergy in supporting an active and decisive role for the Organisation in supporting Ukraine and tackling the consequences of this aggression.

96. At the request of the Secretary General, the Council of Europe Secretariat is currently preparing two packages of measures:

- one to be implemented immediately, which is based on adaptations to the 2019-2022 Action Plan for Ukraine;
- one to be implemented once the conflict is over.

97. It is clear that the post-war package of measures is speculative right now, in light of the uncertainty of the situation and the slim chances that the war will come to an end in the very near future. With this consideration in mind, it would be advisable to give priority to providing immediate assistance, focusing on the key Council of Europe's areas of expertise and taking into account that, despite the war, Ukrainian public institutions, including central, regional and local authorities, parliament and the judiciary continue to be operational, providing a remarkable example of institutional resilience. Similarly, civil society is active in many contexts, especially in the humanitarian field, and journalists continue to report, although in difficult conditions.

98. To this end, the main priority areas for the Council of Europe's immediate assistance to Ukraine should include:

- providing specialised support programmes to cater for those who are in a situation of vulnerability in a war situation, including children, women, the elderly, persons with disabilities, having due regard to the situation of separated or unaccompanied children and the need to prevent trafficking and protect its victims;
- strengthening Ukraine's institutional capacity and resilience, by supporting the continuity of the work of public institutions, including parliament, the judiciary and the authorities at central, regional and local levels, as well as civil society, including young people;

- contributing to strengthening human rights protection in Ukraine, including in a war situation;
- strengthening the capacity of Ukrainian authorities, NGOs, journalists, legal professionals and civil society to document and collect evidence of international human rights and humanitarian law violations, with a view to ensuring accountability of the perpetrators;
- contributing to ensuring freedom of information, freedom of the media and the protection of journalists in Ukraine.

99. In this last regard, the office of Ukraine's Prosecutor General, Iryna Venediktova, is investigating roughly 5 800 allegations of war crimes and crimes against humanity committed by Russian forces in Ukraine. She has asked for the support of the international community, including the Council of Europe, in carrying out this work. The Council of Europe should promptly accept this request.

100. While it is important to prioritise support for Ukraine, the Council of Europe should also seek to assist its member States who are on the front line in providing support to Ukraine and Ukrainians, namely neighbouring countries.

6.2. The added value of specific Council of Europe bodies

6.2.1. The Assembly

101. During an extraordinary session organised at the initiative of its President, Tiny Kox, the Assembly adopted Opinion 300 (2022), in which it took a strong stance in support of Ukraine and in favour of the Russian Federation's exclusion from the Council of Europe. This text was adopted unanimously, with a large number of Assembly members participating in the debate and the vote. Whether in the past they expressed themselves in favour or against the return of the Russian delegation to the Assembly, members of the Assembly from across Europe and across the political spectrum have now reached the same view: the gravity of the actions committed by the Russian Federation is such that membership in the Council of Europe would equal complacency.

102. This unanimous position should be the starting point to develop a coherent action of the Assembly in support of Ukraine and the Ukrainian Parliament. The Assembly has several ways to achieve this objective:

- through its deliberative work, leading to resolutions, it can raise awareness and formulate recommendations addressed to a wide range of interlocutors, on issues that are high amongst the preoccupations of the Ukrainian authorities. It can also address recommendations for action to the Committee of Ministers;
- through its co-operation activities, it can help strengthen the institutional resilience of the Ukrainian Parliament and enable it to perform its tasks and responsibilities despite the war conditions;
- through its formal and informal networks, it can facilitate contacts and the provision of expertise on specific thematic issues, such as violence against women or the protection of children;
- through its national delegations, it can mobilise national parliaments and facilitate dialogue between them and the Ukrainian Parliament. It can also promote joint statements and actions by committees of different national parliaments;
- through its inter-parliamentary relations, it can promote common positions and actions by international parliamentary assemblies.

103. In order to start this work, it would be important to set up a structured and permanent dialogue between the Assembly and the Ukrainian delegation, to improve the communication flow and to enable the Assembly to be promptly responsive to the needs expressed by Ukrainian parliamentarians. It is also crucial for the Assembly to take all the practical measures that can facilitate the active participation of the Ukrainian delegation into the work of the Assembly.

104. On 6 April 2022, at the invitation of the Speaker of the Verkhovna Rada, Ruslan Stefanchuk, the President of the Assembly visited Ukraine, accompanied by the leaders of the Assembly's five political groups and the Secretary General of the Assembly. In Lviv they discussed the consequences of the Russian Federation's aggression against Ukraine and the best ways that the Council of Europe can support this member State and its citizens. Part of the discussion was how to help the Ukrainian authorities to investigate the massacre in Bucha and other areas previously occupied by the Russian army. The President and group leaders also met, among others, with members of the Ukrainian delegation to the Assembly and the Mayor of Lviv Andriy Sadoviy.

105. This visit gives an important political message of support and solidarity and should be followed by regular contacts and visits by Assembly Rapporteurs who are preparing reports on specific aspects of the situation in Ukraine on behalf of the Assembly's committees.

6.2.2. Local democracy

106. Mayors, local and regional authorities in Ukraine are on the frontline in this war, showing leadership, providing for the needs of their communities, and being the target of attacks by the Russian troops. The Council of Europe has a key role to play in supporting Ukrainian local authorities in shouldering their responsibilities and has already started to do so through its Congress of Local and Regional Authorities.

107. During the 42nd session, its President, Leedert Verbeek, reiterated the Congress' condemnation of Russian actions and called for the resolution of the conflict. The Congress also adopted a Declaration "condemning the Russian Federation's war against Ukraine as a blatant breach of international law", expressing full support for Ukraine and its people.⁷¹ The Ukrainian Minister for the Development of Communities and Territories, Oleksiy Chernyshov, addressed the Congress and was supported by the Mayor of Kyiv, Vitali Klitschko, and the Mayor of Mykolaiv, Oleksandr Senkevych. In his speech, Mr Chernyshov called for direct partnerships with local authorities in Ukraine to "help overcome the difficulties Ukrainian communities are faced with".⁷²

108. Besides statements of solidarity, the Congress President condemned the abduction and killing of mayors as well as the shelling of town halls and council buildings, which are the symbols of democratic institutions. A new online platform, Cities4Cities, was developed and launched on 29 March 2022 to help Ukrainian municipalities. This platform is a free online exchange tool: it allows municipalities, cities and regions in Ukraine and in the rest of Europe to share their needs and offers related to local infrastructure, humanitarian aid and business continuity in a war situation and get in direct contact to receive help. This platform was launched at the initiative of the President of the Chamber of Local Authorities of the Congress, Bernd Vöhringer.⁷³

109. Furthermore, in the intergovernmental sector of the Council of Europe, its Centre of Expertise for Good Governance held a series of online conferences "Local governments unite for welfare and peace" from 18 March to 7 April 2022. Amid the ongoing aggression from the Russian Federation, local authorities in Ukraine continue to provide public services, including in the areas currently occupied or encircled by Russian troops.

110. The goal of the "online marathon" was for the Ukrainian local leaders to explain, discuss and gain support for their efforts to continue to offer essential services to local people and to internally displaced persons in crisis times, and for their counterparts in Europe and elsewhere to be aware of their needs and offer advice and support. Oleksiy Chernyshov, Minister for Communities and Territories Development of Ukraine, and Mayors of Kyiv, Lviv, Chernihiv, Kharkiv, Mariupol, Bucha, Trostianets (Sumy region), Melitopol and other Ukrainian cities took part in the marathon.

111. Their international counterparts joined them from Hungary, the Republic of Moldova, Poland, Romania, and the Slovak Republic – Ukraine's closest neighbours that have received the largest number of refugees fleeing the war. They also came from Austria, France, Germany, Ireland, Switzerland, the United Kingdom, the Baltic and Nordic countries, Belgium, Netherlands, Luxembourg, Italy, Spain, Greece, Portugal, Turkey, and the Western Balkans. The concluding session of the marathon on 7 April 2022 brought together representatives from Israel, Canada, Mexico, and the United States.

6.2.3. The Council of Europe Development Bank

112. The Council of Europe Development Bank (CEB) – which is based on a Council of Europe partial agreement – has been the first multilateral development bank to disburse grants to help its members to meet the immediate needs of Ukrainian refugees, including transport, shelter, food, and medical care, through a special trust fund called Migrants and Refugee Fund (MRF), set up in 2015. As part of the immediate response to the war in Ukraine, the CEB has approved up to €5 million worth of grants to support Hungary,

71. [Declaration 5 \(2022\)](#), 42nd session of the Congress of Local and Regional Authorities, 22-24 March 2022.

72. [Statement by Oleksiy Chernyshov](#), Minister for Communities and Territories Development, Ukraine, 42nd Session of the Congress, Strasbourg, 22-23 March 2022.

73. [Cities4Cities: new matchmaking platform launched to support Ukrainian local and regional authorities – News 2022 \(coe.int\)](#).

the Republic of Moldova, Poland, Romania, and the Slovak Republic to cope with the refugee inflow. To pre-empt potential exploitation of displaced persons, the grants will also support the systematic collection and analysis of migration flow data by the IOM and allow safe pathway for return to third-country nationals.

113. Beyond the immediate response, the CEB is looking at two main lines of action to support neighbouring countries hosting high numbers of Ukrainians displaced by the war: fast-tracking emergency loans to strengthen accommodation capacity and seeking co-operation with the European Union to provide emergency relief and scale up social infrastructures in the area of housing and health care. In April 2022, it issued a new €1 billion seven-year Social Inclusion Bond to bolster its response to the unfolding social crisis due to the war in Ukraine and help its member States assist millions of refugees seeking safety. The proceeds of the new bond could be used, in part or in full, by the CEB member countries to support longer term needs of refugees and their host communities.

114. On 13 March 2022, the Ministry for Communities and Territories Development of Ukraine initiated the establishment, at the government level, of an interdepartmental working group on Ukraine's membership in the Council of Europe Development Bank and sent a letter to the Bank to initiate a dialogue on Ukraine's accession. This application should be looked at with the utmost urgency.

6.2.4. The Commissioner for Human Rights

115. Since the outbreak of this large-scale aggression, the Commissioner for Human Rights, Dunja Mijatović, and her office carried out monitoring missions to the Republic of Moldova, Hungary, Poland, Romania, the Slovak Republic and the Czech Republic. By visiting numerous border crossing points, reception centres and transit hubs, and holding talks with people fleeing Ukraine, volunteers, non-governmental organisations, as well as officials at different levels of government, Ombudsman institutions and national human rights institutions and international organisations, the Commissioner was able to review efforts made in assisting people fleeing the war in Ukraine and assessing their human rights needs.⁷⁴

116. The Commissioner's role is crucial to continue to raise awareness on the situation of those fleeing Ukraine and those who remain in the country, to monitor and assess patterns of human rights violations in accordance with her mandate, and to support initiatives and efforts aimed at establishing accountability for serious human rights violations and grave breaches of international humanitarian law in Ukraine, including through regular contact with the authorities, the institutions and her networks of human rights defenders and civil society in the country.

6.2.5. The Special Representative of the Secretary General on Migration and Refugees

117. On 9 March 2022, the Special Representative on Migration and Refugees, Leyla Kayacık, convened an extraordinary online meeting of the Council of Europe Network of Focal Points on Migration to gather information on the situation of the civilian population fleeing Ukraine to neighbouring countries, and the challenges faced by the relevant authorities. The meeting provided an overview of the fast-changing developments in member States, including the need to protect women and children from abuse, exploitation and trafficking, and in particular unaccompanied children.

118. On 8 April 2022, the Special Representative organised an online meeting with representatives of the United Nations High Commissioner for Refugees, the IOM, UNICEF, the Office of the United Nations High Commissioner for Human Rights, the EU Fundamental Rights Agency (FRA), the European Union Asylum Agency (EUAA) and the OSCE/ODIHR to exchange information on the actions carried out in the context of the current crisis. The aim of the meeting was to enhance synergies and to determine how best the Council of Europe, within its mandate, can complement the ongoing efforts.⁷⁵ The Special Representative is currently liaising with member States, notably with those neighbouring Ukraine, with the aim of providing possible support and assistance based on the Council of Europe standards, also in the framework of the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).

74. Commissioner urges more coordinated efforts by all member states to meet the humanitarian needs and protect the human rights of people fleeing the war in Ukraine.

75. Refugees fleeing Ukraine: exchange of information with international partners.

6.2.6. Media freedom and protection of journalists

119. The free flow of independent and accurate news and information is essential in conflict situations. The war in Ukraine is also an information war, in which the Russian Federation stifles freedom of expression in the occupied territories, threatens independent journalists and spreads its propaganda. The Council of Europe has a number of bodies whose expertise can be crucial in protecting the safety of journalists, countering disinformation and debunking fake news.

120. The Council of Europe Platform to promote the protection of journalism and safety of journalists is a Europe-wide monitoring and reporting mechanism aimed at countering all forms of attacks on journalists' physical safety and legal protection. Its role in documenting all attacks on journalists and other attempts to restrict journalists' abilities to report on the war has become even more necessary in the present circumstances.

121. There is also need, however, for practical help to enable independent media and journalists to continue to do their job safely and reach out to the public. This includes providing grants and financial support, providing safety equipment, financing the relocation of premises to safe areas, ensuring access to Ukrainian media channels for European viewers and Ukrainian refugees in Europe and enhancing the capacity of Ukraine's Public Broadcaster to fulfil its remit under the present circumstances. The Council of Europe has expertise in these areas and should respond to the requests for assistance it has received from Ukraine.

7. The role of the Council of Europe in the new international context

7.1. A 4th Summit with an emphasis on democratic security in Europe

122. The Russian Federation's aggression against Ukraine has been defined in many ways. Whether we call it a watershed moment or a point of no-return, it is widely understood that this is a time of great historical significance.

123. For the Council of Europe, it concludes a stage of its history in which the Organisation progressively enlarged its membership, so as to bring together 47 European States spanning from Lisbon to Vladivostok and 830 million Europeans under the roof of one common European home. The momentum for the enlargement was given, in 1993, by the First Summit of Heads of State and Government of Council of Europe member States in Vienna.

124. In the words of the European leaders of that time "The end of the division of Europe offers an historic opportunity to consolidate peace and stability on the continent. All our countries are committed to pluralist and parliamentary democracy, the indivisibility and universality of human rights, the rule of law and a common cultural heritage enriched by its diversity. Europe can thus become a vast area of democratic security. This Europe is a source of immense hope which must in no event be destroyed by territorial ambitions, the resurgence of aggressive nationalism, the perpetuation of spheres of influence, intolerance or totalitarian ideologies. We condemn all such aberrations. We intend to render the Council of Europe fully capable of thus contributing to democratic security as well as meeting the challenges of society in the 21st century, giving expression in the legal field to the values that define our European identity, and to fostering an improvement in the quality of life".⁷⁶

125. Thirty years later, a division is back in Europe. By its deeds, the Russian Federation has stepped out the common European home. Confronted with a challenge of global magnitude, European leaders should, once again, give proof of "clear vision and strong determination"⁷⁷ to reiterate, in the strongest terms, their attachment to the values of democracy, human rights and the rule of law; formulate a new vision for Europe; and define the role and mission of the Council of Europe for the years to come.

126. The Council of Europe, like any intergovernmental organisation, is vested with the powers and political clout which is given by its member States. In the new chapter of European history, in which peace and security cannot be taken for granted, the Council of Europe should be given a new impetus and new tools to face the present challenges, as identified by the current and the previous Secretaries General of the Council of Europe in their annual reports, namely:

- promoting democratic security also as a precondition of peace and stability;

76. [Vienna Declaration](#).

77. Speech by President Mitterrand, France, at the Vienna Summit.

- addressing the backsliding of democracy by tackling its root causes;
- revitalising democracy through innovations and greater citizen involvement.

127. Experience has shown the need for early warning mechanisms, to enable the Council of Europe to take prompt, decisive and collective action in the face of threats to the rule of law, democratic standards and human rights protection in its member States.

128. The 4th Summit will be of special importance for the history of Europe, and several member States should participate in its preparation and organisation, beyond the responsibilities of a single presidency of the Committee of Ministers. The Assembly should stand ready to provide its political input, also at the level of the preparatory work. Furthermore, the European Union and the OSCE should be associated in the event.

7.2. Deepening the strategic partnership with the European Union

129. The Russian Federation's aggression against Ukraine and the ensuing exclusion of the Russian Federation from the Council of Europe has cast the co-operation between the Council of Europe and the European Union into a new perspective. In light of the epochal changes that Europe is experiencing, there should be a renewed impetus towards strengthening the strategic partnership between the Council of Europe and the European Union, in the respect of their different roles and areas of excellence and on the basis of their shared values and commitment to promoting peace, security and stability on the European continent and supporting multilateralism worldwide.

130. The perspective accession of the European Union to the European Convention on Human Rights will be an important step in this direction. In addition, in the new geopolitical context, the successful enlargement of the European Union becomes a factor of security and stability not only for the candidate countries but for Europe as a whole. At the same time, the Council of Europe should redouble its efforts to help its member States wishing to join the European Union to make tangible and measurable progress towards meeting the necessary criteria.

7.3. Ensuring the financial sustainability of the Council of Europe

131. The Russian Federation's exclusion from the Council of Europe deprives the Council of Europe of nearly 7% of its annual budget. It is urgent to start looking into how to ensure the long-term financial sustainability of the Organisation, taking into account the important mission it should accomplish.

132. Exploratory contacts at different levels, including through the involvement of Tiny Kox, President of the Parliamentary Assembly, indicate the willingness of some member States to ensure that the Council of Europe does not suffer financially because of the exclusion of the Russian Federation.

133. The Assembly should call on the governments of Council of Europe member States, and the Committee of Ministers as a whole, to mobilise and show their continued trust in the Council of Europe by ensuring that it has the necessary resources to carry out its mandate. The Assembly should also encourage stepping up voluntary contributions to ensure that the Council of Europe can provide assistance and support to Ukraine, both immediately and after the war.

7.4. The Council of Europe approach to the Russian Federation as a non-member State

134. Although it is no longer a member State of the Council of Europe, there are a number of reasons why the Council of Europe will continue to be concerned with the Russian Federation. As from 16 March 2022 – the date on which its membership in the Organisation was terminated – the Russian Federation ceased to be a Contracting Party to conventions and protocols that are open only to member States of the Organisation. In its decision taken on 23 March 2022, the Committee of Ministers also decided to end Russian membership in the Organisation's partial and enlarged agreements.⁷⁸

135. The Russian Federation, however, continues to be a High Contracting Party to the European Convention on Human Rights until 16 September 2022, with the Court remaining competent to deal with applications directed against the Russian Federation, provided the violations occurred prior to this date. In addition, the Committee of Ministers will continue to supervise the execution of judgments by the Russian

78. [Resolution CM/Res\(2022\)3 on legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe.](#)

Federation, which is required to implement them. The Russian Federation will be able to be represented in the Committee of Ministers' meetings when the execution of judgements by the Russian Federation is discussed. It also remains a party to conventions that are open to non-Council of Europe member States.

136. Furthermore, the Russian Federation shares borders with a number of Council of Europe member States, has significant political relations with some of them and exercises *de facto* control in several territories that are subjected to the sovereignty of Council of Europe member States.

137. Despite these considerations, and in light of the volatility of the present situation, it is premature to formulate recommendations concerning the Council of Europe's policy towards the authorities of the Russian Federation. This matter will have to be revisited at a later stage, also in response to the events on the ground and the attitude of the Russian authorities towards the Council of Europe.

7.5. Reaching out to Russian and Belarusian civil society

138. As already mentioned in Assembly Opinion 300 (2022), however, a distinction should be made between the policy towards the authorities and the policy towards Russian society. The Council of Europe should continue to reach out to the Russian people, many of whom do not support this war and do not have access to independent and objective information about it. It should continue to support Russian human rights defenders, democratic forces, free media and independent civil society, whether they are in the Russian Federation or abroad.

139. To this end, there are a number of measures that the Council of Europe can take immediately. They include:

- ensuring that key Council of Europe documents, webpages and information are available in Russian, as this language is used as a *lingua franca* in a number of member States, and also to allow Russian citizens and civil society to have easier access to the work of the Council of Europe,
- continuing to invite and engage representatives of Russian civil society, independent media and human rights defenders in Council of Europe events,
- encouraging the Commissioner for Human Rights to continue to reach out to Russian civil society and human rights defenders in her activities,
- ensuring that the Platform of the Council of Europe to promote the protection of journalism and safety of journalists continues to monitor the situation of freedom of the media and the safety of journalists in the Russian Federation
- keeping channels open for Russian legal professionals to continue to be informed and trained on Council of Europe standards and instruments, having access to Council of Europe material, courses and training opportunities.

140. This open and flexible approach towards Russian civil society and non-governmental actors would give an important political signal and could be developed into a policy and mechanisms at a later stage. While it is important to continue to project the universal values of democracy, human rights and the rule of law beyond the Council of Europe membership, it is of the utmost importance to avoid putting at risk the lives, safety and well-being of people and shield them from retaliation. This element will also have to be taken into account.

141. Although Belarus is in a different situation as it has never been a member State of the Council of Europe, this open and flexible approach should apply also to Belarusian civil society and non-governmental actors, including the Belarusian democratic forces abroad. In fact, the Assembly should explore ways to intensify its engagement with Belarusian democratic forces.

142. The Committee of Ministers should also consider the feasibility of setting up a Programme to enable Belarusian and Russian human rights defenders, democratic forces, independent journalists and civil society to be involved in the activities of the Council of Europe. This Programme could be based on a partial agreement or be funded by voluntary contributions and should be inspired by the Elisabeth-Selbert-Initiative, a protection programme for human rights defenders which has the legal status of a foundation in Germany.⁷⁹ Human rights and democracy need to be protected, but it not uncommon for people advocating for these fundamental values upheld by the Council of Europe to face risks and need protection themselves.

79. [Elisabeth-Selbert-Initiative. Protect human rights defenders – ifa.](#)

8. Conclusions

143. It has been said that the Russian Federation's aggression marks the start of a new era, which will be defined not just by the outcome of the war but also our response to it. In its response, the Council of Europe should be true to its mission and values. It has already started to do so by excluding the Russian Federation from membership in the Organisation. This important decision, however, is only a part of the Council of Europe's engagement.

144. The Council of Europe should join the international community's effort to exert maximum pressure on the Russian Federation to cease the hostilities, withdraw its troops from the sovereign territory of Ukraine and be held accountable for the crimes and damages it has inflicted during this continued aggression.

145. The Council of Europe should also deploy all available means to support and assist Ukraine, immediately and in the future. It should respond promptly and swiftly to the needs expressed by the Ukrainian authorities in its areas of expertise, relying on the knowledge, experience and networks of its bodies and structures. This unprecedented challenge requires unprecedented vision, adaptability and effectiveness.

146. While the war is raging, Ukrainian institutions work around the clock to deliver governance, basic services and assistance to people in Ukraine. The Council of Europe should contribute to strengthening Ukraine's institutional capacity and resilience, by supporting the continuity of the work of public institutions.

147. In this regard, the Assembly should offer its support to help the Ukrainian Parliament fulfil its responsibilities. Through its national delegations and its inter-parliamentary relations, it should also raise awareness, help mobilise support and build bridges amongst parliamentarians from all over Europe.

148. An evident consequence of the Russian Federation's aggression against Ukraine is the re-emergence of a dividing line in Europe. This line has been drawn by the Russian authorities by their own choice. It has resulted in a major challenge to the continent's security environment and shaken Europe's post-war multilateral architecture.

149. In this new international context, through a 4th Summit of Council of Europe Heads of State and Government, European leaders should articulate a new vision for how to enhance the role and impact of the Council of Europe as a guardian of the values which Europeans cherish and want to preserve as the preconditions of peace: democracy, human rights and the rule of law.