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Parliamentary question to the Chairperson-in-Office of the Committee of Ministers

Parliamentary questions

1. Question from Mr Christophe LACROIX, Belgium, SOC

The 4-day field visit of the Council of Europe Commissioner for Human Rights, Dunja Mijatović, to Kyiv and its region in May painfully illustrated the scale of gross violations of human rights and humanitarian law, with mounting evidence of arbitrary executions, torture and widespread enforced disappearances.

Co-author in the Belgian Federal Parliament of an adopted motion for a resolution calling for an international criminal investigation into acts of sexual violence committed in the context of the armed conflict in Ukraine,

Mr Lacroix to ask the Chair of the Committee of Ministers:

How does the Council of Europe position itself with regard to these issues of sexual violence and the recognition of rape as a weapon of war?

Reply by the Chairperson of the Committee of Ministers

The Chair of the Committee of Ministers firmly condemns the gross violations of human rights and humanitarian law, including sexual violence, being committed in Ukraine as a result of the aggression of the Russian Federation.

The position of the Committee of Ministers concerning the aggression of the Russian Federation against Ukraine, including all its aspects, is best expressed by its swift decision to exclude the aggressor from the Council of Europe. The aggression itself, as well as the acts committed in that context against the civilian population, are totally incompatible with the values of our Organisation. This covers, of course, the specific issues mentioned in the question.

Let me recall that the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) is the reference international standard when it comes to sexual violence against women, including rape.

Although, regrettably, the Russian Federation is not a Party to the Istanbul Convention, it is worthwhile recalling that the Convention's Preamble recognises the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts.

The basic principles of international humanitarian law and the Rome Statute of the International Criminal Court, which are referred to in the Preamble to the Istanbul Convention, affirm individual criminal responsibility under international law for violence that occurs primarily (but not exclusively) during armed conflict. Article 7 of the Rome Statute (crimes against humanity committed as part of a widespread or systematic attack directed against any civilian population) and Article 8 (war crimes) include crimes of violence committed largely against women, such as rape and sexual violence. Likewise, the forms of violence covered by the Istanbul Convention



do not cease during armed conflict or periods of occupation. Article 2.3 of the Istanbul Convention provides for the continued application of the Convention in situations of armed conflict, as complementary to the principles of international humanitarian law and international criminal law.

Furthermore, the Istanbul Convention requires States Parties to prevent sexual violence against women, and to provide adequate protection to the victims with a view to supporting their recovery, upholding their rights and promoting their empowerment, and to ensure effective prosecution of such crimes.