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Ensuring a just peace in Ukraine and lasting security in Europe

Report¹

Committee on Political Affairs and Democracy

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Summary

As the Russian Federation's full-scale military invasion of Ukraine enters its 20th month, the international community should not lose sight of its primary objective: presenting a united front to stop the aggression and win a peace which is comprehensive, just and lasting, ensuring that the rule of law prevails over the rule of force.

Achieving a comprehensive, just and lasting peace means supporting the victory of Ukraine militarily, financially, politically, and diplomatically at bilateral and multilateral levels, giving full backing to President Zelenskyy's peace formula.

It means recognising the nature, extent and gravity of the crimes committed by the Russian Federation. The violence being perpetrated, the hideous character of some crimes including the deportation of Ukrainian children and sexual violence, and the rhetoric of the authorities indicate an attempt by the Russian Federation to annihilate the Ukrainian nation, waging a genocidal war. This deliberate policy stands out as a tragic reminder of an earlier attempt to wipe out Ukrainian nationhood, the Great Famine (the Holodomor), whose 90th anniversary will be commemorated in November 2023, and which should be recognised as a genocide.

It means setting up a comprehensive system of accountability of the Russian Federation for its crimes while investing in the reconstruction of Ukraine and its democratic resilience.

Securing a comprehensive, just and lasting peace entails re-establishing the respect of the rule of law, including the obligation for all States to refrain from the threat or the use of force against the territorial integrity or political independence of any State.

1. Reference to committee: Bureau decision, Reference 4758 of 9 October 2023.



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A. Draft resolution²

1. The Parliamentary Assembly reiterates its firmest condemnation of the Russian Federation's ongoing brutal war of aggression against Ukraine – which is a crime in itself – and of the serious, persistent and widespread atrocities and other violations of international law, international humanitarian law and human rights of which the Russian Federation is responsible, through its political and military leadership, military forces and proxies.
2. Reaffirming its solidarity with the Ukrainian people and echoing the Reykjavík Declaration which was adopted by the Heads of State and Government at the 4th Council of Europe Summit (16-17 May 2023), the Assembly states, once again, its unwavering commitment to stand with Ukraine for as long as it takes for its victory, and its support for the independence, sovereignty, and territorial integrity of Ukraine within its internationally recognised borders, including its territorial waters.
3. The Assembly reiterates its non-recognition of the attempted illegal annexation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol, as well as parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions of Ukraine, which violates international law, and poses a direct threat to international security with serious consequences for the international community. It reaffirms its readiness to continue exerting restrictive pressure on the Russian Federation to counter its illegal actions through undertaking further measures against the Russian Federation.
4. The Council of Europe was established in the aftermath of the Second World War as a peace project, in the conviction that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation. Since its foundation, the Council of Europe has contributed to strengthening human rights, democracy and the rule of law in its membership, which was substantially expanded following the end of the Cold War so as to embrace nearly all European countries.
5. Thirty years since the 1st Council of Europe Summit of Heads of State and Government in Vienna, which gave a signal of hope to all European States who shared the political aspiration to establish a common legal space, a common area of peace and a community of values, a full-scale war of aggression has taken centre stage in the heart of the continent, against the backdrop of a deteriorated security situation characterised by open and frozen conflicts, escalating tensions and hybrid threats. This state of affairs confirms the need for firmness in demanding that Council of Europe States fully uphold their commitments and obligations as members of the Organisation, as their adherence to Council of Europe standards is also a guarantee of security for each other, as inherent in the principle of democratic security.
6. As the Russian Federation's aggression against Ukraine has continued for more than nine years and its full-scale military invasion of Ukraine enters its 20th month, the international community should not lose sight of its primary objective: presenting a united front to stop the aggression and win a peace which is comprehensive, just and lasting, ensuring that the rule of law prevails over the rule of force. Without a comprehensive, just and lasting peace in Ukraine there cannot be durable security in Europe; without an effective system of global governance based on international law, there cannot be international peace and security.
7. Achieving peace means supporting the victory of Ukraine militarily, financially, politically, and diplomatically at bilateral and multilateral levels. The Assembly has already given its full backing to President Zelenskyy's peace formula as the most comprehensive proposal for a comprehensive, just and lasting peace in Ukraine, underlining that any peace talks can only take place under the conditions set out by Ukraine and after the withdrawal of the Russian troops and military equipment from the whole territory of Ukraine. Greater efforts are necessary to explain to the public and to international partners the stakes of this war for security in Europe and for the preservation of a system of global governance based on the rule of law.
8. Achieving a comprehensive, just and lasting peace means recognising the nature, extent and gravity of the crimes committed by the Russian Federation. The violence being perpetrated, the hideous character of some crimes including the deportation of Ukrainian children and sexual violence, and the rhetoric of the authorities indicate an attempt by the Russian Federation to annihilate the Ukrainian nation, waging a genocidal war. This deliberate policy stands out as a tragic reminder of an earlier attempt to wipe out Ukrainian nationhood, the Great Famine (the Holodomor), whose 90th anniversary will be commemorated in November 2023.

2. Draft resolution adopted unanimously by the committee on 10 October 2023.

9. There are tens of thousands of civilians who have disappeared and who have been illegally abducted, taken to filtration camps, and deprived of their liberty as a result of the Russian Federation's war of aggression against Ukraine. Approximately 2 000 of these victims of enforced disappearances are over 70 years old. The Russian Federation's disrespect for the Geneva Convention relative to the Protection of Civilian Persons in Time of War is just one example of the Russian Federation's brazen and systematic neglect of its international legal obligations.

10. Since the beginning of the full-scale military invasion, the Russian Federation has not hesitated to use migrants, energy, ecocide, economic leverage, the passportisation of Ukrainian citizens, and the forcible deportation of Ukrainian children as weapons. Illegal fake elections and referendums organised by the Russian Federation in the illegally and temporarily occupied territories of Ukraine, most recently on 8-10 September 2023, are a travesty of democracy and a weaponisation of political freedoms. Likewise, the decision of the Russian Federation to exit the Black Sea Grain Initiative in July 2023 is a further weaponisation of trade and food, intended to increase global instability and weaken international resolve in supporting Ukraine.

11. Achieving a comprehensive, just and lasting peace means setting up a comprehensive system of accountability of the Russian Federation for its crimes. In this regard, the Assembly welcomes the launch, in the form of an Enlarged Partial Agreement of the Council of Europe, of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine. On the strength of the political momentum created by the Reykjavík Summit, it reiterates its call to setting up an international mechanism to compensate the victims and a Special International Tribunal to investigate and prosecute the political and military leadership of the Russian Federation for the crime of aggression against Ukraine.

12. Achieving a comprehensive, just and lasting peace in Ukraine means investing in its reconstruction so that it is sustainable from the economic, social, environmental and political points of view. Physical reconstruction according to the principle of "Build Back Better" must rely on strong and resilient public institutions at all levels, good democratic governance and the protection of human rights and fundamental freedoms, in the framework of the respect of the rule of law. In this regard, the Assembly reiterates its call for an extensive support of the Action Plan for Ukraine 2023-2026, which is instrumental to build back better democratic resilience in Ukraine.

13. The way in which the international community responds to the Russian Federation's war of aggression against Ukraine will set the course of European history and affect the system of global governance in the years to come. The Russian Federation has blatantly and unashamedly violated the most fundamental principles enshrined in the Charter of the United Nations and paralysed the functioning of the United Nations Security Council. Securing a comprehensive, just and lasting peace entails re-establishing the respect of the rule of law, including the obligation for all States to refrain from the threat or the use of force against the territorial integrity or political independence of any State, as pointed out at point 5 of President Zelenskyy's peace formula.

14. In light of these considerations, the Assembly:

14.1. decides to recognise the Great Famine (the Holodomor) as an act of genocide intended to break the backbone of Ukrainian nationhood, language and culture, and commemorates its victims;

14.2. encourages the parliaments of Council of Europe member States and other parliaments which have not yet done so to adopt resolutions commemorating the victims of the Holodomor, and recognising it as a genocide.

15. As regards the establishment of a comprehensive system of accountability, the Assembly:

15.1. gives it full support to the Enlarged Partial Agreement of the Council of Europe on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, and invites the largest possible number of countries to join;

15.2. calls on the countries represented in the Conference of Participants of the Register of Damage to swiftly advance to ensure the Register of Damage is operational as soon as possible and that the Register relies, amongst other sources, on the information coming from Ukrainian non-governmental organisations and human rights defenders; and to provide periodic reporting on its functioning;

15.3. calls on member and non member States and other States to swiftly advance on future steps towards accountability and justice, namely the establishment of a comprehensive compensation mechanism, including an international commission for the examination of claims for the damages

recorded in the Register of Damage, and a compensation fund to pay out the decisions for compensation of damage awarded by the commission, in particular by confiscating and otherwise using the Russian Federation's assets to pay for war damages in Ukraine;

15.4. calls on the "core group" of countries prepared to support the creation of a special international tribunal for the crime of aggression to come to an agreement on its legal form as soon as possible, taking into account the need to maximise its international legitimacy and to minimise possible legal issues, in particular regarding the possible reliance of key suspects on personal or functional immunity;

15.5. calls on the international community to strongly support the International Criminal Court (ICC) and the Joint Investigation Team (JIT) to investigate and prosecute the numerous war crimes and crimes against humanity that Russian soldiers, commanders and their proxies have committed or ordered in Ukraine, since the beginning of the aggression in 2014, and support efforts to bring to justice those responsible for the forcible transfer of Ukrainian children;

15.6. standing in solidarity with all Ukrainian victims of enforced disappearances, their families and relatives, calls on the international community to demand:

15.6.1. that the Russian Federation compiles a list of illegally detained persons as a result of the aggression against Ukraine for its transmission to the United Nations, Ukraine or a third country that will ensure their return to Ukraine;

15.6.2. the immediate and unconditional release of victims of enforced disappearances, the dismantling of filtration camps, and the punishment of the perpetrators.

16. Recalling the speech delivered by President Zelenskyy to the United Nations General Assembly in September 2023, the Assembly calls on all States that uphold the rules-based international order to:

16.1. support President Zelenskyy's peace formula;

16.2. support Ukraine in its struggle to defend its independence, sovereignty and territorial integrity by providing political, financial, legal, humanitarian and military assistance, and by mobilising the resources that will be necessary to finance the reconstruction of Ukraine, redress environmental damage, and restore the rich cultural and religious heritage of the country.

17. Welcoming the initiative of the Council of the European Union to hold a meeting of Foreign Ministers in Kyiv on 2 October 2023, for the first time ever in a non-European Union member State, the Assembly calls on parliaments and governments of Council of Europe member States to spare no efforts to support Ukraine in its path towards accession to the European Union as a fully-fledged member.

18. Welcoming the conclusions of the European Conference of Presidents of Parliaments held in Dublin on 28-29 September 2023, which stressed the contribution that national parliaments can give in setting the course of Europe's future, the Assembly:

18.1. invites parliaments of member and non-member States to support Ukraine by:

18.1.1. holding governments to account in their resolve to secure the victory of Ukraine and a comprehensive, just and lasting peace;

18.1.2. ensuring the relevant budgetary resources and the necessary legislative decisions;

18.1.3. raising awareness among their citizens about the stakes of the war;

18.1.4. working towards the implementation of an effective system of accountability of the Russian Federation;

18.1.5. stepping up all possible efforts to ensure the return of deported Ukrainian children to their families;

18.1.6. addressing the alarming situation of Ukrainian political prisoners illegally detained by the Russian Federation so that all those unjustly incarcerated for their political beliefs are immediately released;

18.2. encourages parliaments to boost parliamentary diplomacy, inter-parliamentary dialogue and diplomatic efforts to rally allies in support of Ukraine at the global level, and promote a multilateral system of global governance firmly rooted in the rule of law;

18.3. contributes by providing expertise and advice, to greater institutional capacity of the Verkhovna Rada and to strengthening Ukraine's democratic resilience;

18.4. encourages parliaments to actively participate in the parliamentary dimension of the International Crimea Platform, including taking part in its forthcoming Second Parliamentary Summit to be held in Prague, Czech Republic, on 23-24 October 2023;

18.5. invites parliaments of member States to keep open channels of dialogue and co-operation with democratic opposition forces in the Russian Federation and in Belarus who respect Council of Europe values and support the victory of Ukraine.

B. Explanatory memorandum by Mr Iulian Bulai, rapporteur

1. Introduction

1. The Russian Federation's full-scale, unprovoked, unjustified and illegal war of aggression against Ukraine is causing incommensurate pain, loss and destruction throughout the country; provoking ecocide and massive displacement of civilians; disrupting the world economy; and destabilising the international order which was established in the aftermath of the Second World War.

2. As the 4th Council of Europe Summit of Heads of State and Government recalled, the Council of Europe is a peace project, born "out of the conviction that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation".³ This conviction, which was enshrined in the Statute of the Council of Europe in 1949,⁴ is as strongly felt nowadays, when a full-scale war of aggression has once again taken centre stage in Europe.

3. As the full-scale invasion enters its 20th month, democracies should not lose sight of their primary objective: stopping the aggression and winning peace. A peace which is comprehensive, just and lasting. Without full restoration of Ukraine's territorial integrity, justice for victims and accountability for the aggressor there can be no lasting peace in Ukraine, and without a comprehensive, just and lasting peace in Ukraine there cannot be durable security in Europe.

4. These concepts are central to the Resolution entitled "Principles of the Charter of the United Nations underlining a comprehensive, just and lasting peace in Ukraine", which the General Assembly of the United Nations symbolically adopted on the eve of the first anniversary of the full-scale Russia's invasion.⁵ They have also been reiterated by the Parliamentary Assembly in a host of texts which it has adopted since the beginning of the full-scale invasion, adding that any peace talks can only take place under the conditions set out by Ukraine, and lending its full support to President Zelenskyy's peace formula.⁶

5. At the time of writing, we are distraught to hear about yet another Russian attack which has killed 52 civilians in the village of Hroza. The horror of this violence is a reminder of the Great Famine (the Holodomor), which was inflicted upon the Ukrainian people by the Soviet Union, the 90th anniversary of which will be commemorated in November 2023.

2. The situation on the ground

2.1. Military developments

6. In June 2023, the Ukrainian army started its counteroffensive, encountering resistance by entrenched Russian forces, who are protected by multiple lines of defence composed of anti-tank ditches, dragon's teeth obstacles and fortifications. The Ukrainian army has managed to break through the first line of Russian fortified defences near the village of Verbove, in the Western Zaporizhzhia region, and are advancing near the city of Bakhmut in Donetsk region. On 22 September, the headquarters of the Russian Black Sea Fleet in occupied Crimea were hit by a Ukrainian precision strike, allegedly killing or wounding several Russian officers. This might have an impact on the Russian naval superiority and capability in the Black Sea.

7. On 23 and 24 June 2023, the Wagner Group, under the direct command of their then leader Yevgeny Prigozhin, occupied the headquarters of the Russian Southern Military District in the city of Rostov-on-Don, and then attempted to advance towards Moscow, encountering and fighting Russian regular army forces on their way.

8. Their march was stopped after an agreement between Prigozhin and Vladimir Putin was reached, brokered by the latter's ally Alexander Lukashenko. According to this agreement, as Putin stated in the media, Mr Prigozhin was a free man; the Wagner Group forces who had until then fought in Ukraine were free to move to Belarus, join the Russian regular army, or demobilise; the Wagner Group private military company could continue to operate in other parts of the world.⁷ On 23 August 2023, Prigozhin and other leading figures

3. [Reykjavik Declaration – United around values](#).

4. European Treaty Series – ETS No. 1, [Statute of the Council of Europe](#), 5 May 1949.

5. United Nations General Assembly, [A/RES/ES-11/6](#), 23 February 2023.

6. See [Resolution 2506 \(2023\)](#), 22 June 2023.

7. www.euronews.com/2023/06/27/putin-condemns-mutiny-attempt-as-prigozhin-explains-wagner-rebellion.

of the Wagner Group were killed in a private jet crash in Russia. Reportedly, investigations are under way. The mutiny indicates increasing tensions within the Russian elite and a possible challenge to Putin's leadership. It was followed by purges in the military in the following weeks.⁸

9. On 29 September 2023, Vladimir Putin signed a decree for the conscription of 130 000 personnel between October and December 2023, including Ukrainian citizens with Russian passports in the temporarily occupied territories of Ukraine.⁹ In addition, Russian forces are currently building a new railway to connect the temporarily occupied cities of Mariupol, Volnovakha and Donetsk to Russian territory, a move that would provide them with an alternative route to the Crimea bridge in order to transport military and civilian supplies to temporarily occupied territories.

2.2. Illegal elections organised in Ukraine by the Russian Federation

10. The use by the Russian Federation of illegal fake elections and referendums in an attempt to legitimise its illegal occupation is a travesty of democracy and a weaponisation of political freedoms.

11. Since 2014, the Russian Federation has held illegal fake referendums and elections in the temporarily occupied territories of Ukraine, in flagrant violation of international law. The Assembly has previously recognised that sham "referendums" organised by the Russian Federation in the territory of Ukraine do not form the basis for any alteration of the status of these regions of Ukraine, and are an escalation of the aggression against Ukraine.¹⁰

12. The Russian Federation's latest illegal attempts to organise so-called electoral processes in the temporarily occupied areas of Ukraine from 8 to 10 September 2023 constituted a further violation of universally recognised principles and norms of international law. A Joint Statement by the President of the Committee of Ministers of the Council of Europe, Krišjānis Kariņš, the President of the Parliamentary Assembly of the Council of Europe, Tiny Kox, and the Secretary General of the Council of Europe, Marija Pejčinović Burić made it clear that these sham "elections" can only be considered as null and void under international law, and condemned the organisation of these elections as a further illustration of the denial of the Russian Federation of the values of democracy, human rights and the rule of law.¹¹

2.3. Humanitarian law and human rights violations

13. Russian forces are indiscriminately bombing Ukrainian cities on a daily basis, with long-range missiles, drone attacks, and other weapons, only partially deflected by Ukrainian air defence systems, and as the war continues, the casualty figures continue to rise.

14. The data collected by the Office of the High Commissioner for Human Rights (OHCHR) indicate that the vast majority of casualties are indeed caused by "explosive weapons with wide area effects": shelling from artillery, tanks and multiple launch rocket systems, cruise and ballistic missiles, and air strikes.

15. Overall, the most recent estimates of the OHCHR indicate that 9 701 civilians were killed and 17 748 injured in Ukraine since the beginning of Russia's full-scale military invasion of Ukraine. The actual numbers are however probably much higher, as the OHCHR declares that information might be missing or still being collected and corroborated, in particular in areas where the fight is more intense and which remain under Russia's temporary occupation (such as Mariupol, Lysychansk, Popasna, and Sievierodonetsk).¹²

16. The full-scale Russian military invasion has also caused an unprecedented humanitarian crisis, triggering a massive displacement of civilians fleeing the conflict, the largest seen in Europe since the Second World War. According to the data collected by the United Nations High Commissioner for Refugees (UNHCR), as of 19 September 2023, around 6.2 million Ukrainians were abroad.¹³ In addition, the International Organization for Migration (IOM) estimates that, as of May 2023, 5.1 million persons were internally displaced within Ukraine. Among them, 7% had been displaced outside the country before returning, but were still remaining in displacement.¹⁴

8. www.bbc.com/news/world-europe-66590916.

9. Institute for the Study of War, [Russian Offensive Campaign Assessment](#), 30 September 2023

10. [Resolution 2483 \(2023\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine".

11. Council of Europe, ["Joint statement on illegitimate elections in parts of Ukraine temporarily occupied by Russia"](#), 10 September 2023

12. [Ukraine: civilian casualty update 24 September 2023](#), OHCHR.

13. [Ukraine Refugee Situation](#) (unhcr.org).

17. In addition, the conflict is causing incalculable damages to Ukraine's environment to such an extent as to amount to an ecocide. The most blatant example of this crime is the flooding caused by the destruction by Russia of the Kakhovka dam. According to data shared by the Ukrainian authorities with the Council of Europe,¹⁵ there have been 2 534 cases of environmental damage recorded since the beginning of the conflict. These amount to increased pollution as well as damage to natural reserves and protected ecosystems, biodiversity as well as freshwater resources, which will take decades to recover and might even be irreparable. The issue of nuclear security is also a major concern. In fact, the very first point of President Zelenskyy's peace formula calls for the restoration of safety conditions around Europe's largest nuclear power plant, Zaporizhzhia nuclear power plant, which is currently under Russian occupation.

18. The Russian forces in Ukraine have committed serious war crimes and crimes against humanity in violation of international humanitarian and human rights law, which have been reported since the very first days of the invasion. Both the Independent International Commission of Inquiry on Ukraine established by the UNHCR¹⁶ and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR)¹⁷ have reported continuous evidence of war crimes by the Russian forces, including several indiscriminate attacks with explosive weapons in populated areas affecting civilian infrastructure such as residential buildings and medical facilities. The evidence also showed widespread and systematic violations against personal integrity, including summary executions, torture, ill-treatment of prisoners of war and sexual violence.

19. The Commissioner for Human Rights of the Council of Europe is also closely monitoring the situation in Ukraine, through regular country visits and the preparation of reports on different issues.¹⁸ In April 2023 she presented a report on "Crimean Tatars' struggle for human rights",¹⁹ which focuses on multiple patterns of violations of human rights committed against the Crimean Tatar people throughout their history, especially following the illegal temporary occupation and attempted illegal annexation of Crimea by the Russian Federation in 2014.

20. On 4 October 2023, the Secretary General of the Council of Europe presented to the Committee of Ministers a report on the human rights situation in Crimea since the beginning of the full-scale invasion.²⁰ The report indicates that, while the peninsula has not witnessed large-scale hostilities during the last year, the Russian forces have extensively exploited Crimea for their ground offensive and air attacks, including by the Black Sea Fleet headquartered in Sevastopol. The Russian military effort has also relied on unlawful conscription and military enlistment of the peninsula's population, logistics and healthcare capacities, as well as the tapping of other resources of the temporarily occupied territory. Many of these abusive human rights practices and violations appear to have been replicated and scaled up in the illegally temporarily occupied territories of the regions of Donetsk, Kherson, Luhansk and Zaporizhzhia in 2022. The Committee of Ministers invited therefore the Secretary General to further examine the human rights situation in all territories of Ukraine temporarily controlled or occupied by the Russian Federation, and encouraged the Commissioner for Human Rights to do the same.²¹

21. One of the most serious concerns revolves around the crime of genocide. The UNHCR Commission of Inquiry has expressed concerns about allegations of genocide in Ukraine, in particular in relation to the official Russian rhetoric transmitted in Russian State and other media, which may constitute incitement to genocide. A similar concern was raised by the Assembly in its [Resolution 2482 \(2023\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", which emphasised the fact that the so-called "de-Ukrainianisation" process carries characteristics of public incitement to genocide or reveals a genocidal intent to destroy the Ukrainian national group as such or at least part of it.

14. "Ukraine – Internal Displacement Report – General Population Survey Round 13 (June 2023)", Displacement Tracking Matrix (iom.int).

15. <https://ecozagroza.gov.ua/en>.

16. UN Human Rights Council 54th Session, "Oral Update of the Independent International Commission of Inquiry on Ukraine", 25 September 2023.

17. OSCE, "Third Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine", 17 July 2023.

18. Ukraine – Country monitoring – Commissioner for Human Rights (coe.int).

19. Commissioner for Human Rights, "Crimean Tatars' struggle for human rights", April 2023.

20. SG/Inf(2023)29, "Human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine", 31 August 2023.

21. Committee of Ministers, 1477th meeting, [Decisions CM/Del/Dec\(2023\)1477/2.4](#), 4 October 2023.

22. The methods used by the Russian military in the war of aggression against Ukraine and the actions of the illegal Russian authorities in the temporarily occupied Ukrainian territories show that the Russian rhetoric is not empty threats. The massacres of Bucha and Irpin and those discovered in other towns liberated from Russian occupation, the use of powerful explosives and even thermobaric and cluster munitions in heavily populated areas constitute war crimes, as does the complete destruction of the city of Mariupol and the heavy shelling of other Ukrainian cities and towns. The methodical tracking down, “filtering out” and ill-treatment in makeshift torture chambers of Ukrainian patriots by the illegal occupation authorities and the forcible incorporation of men living in the temporarily occupied areas of Ukraine into the Russian military demonstrate the intention of the occupiers to destroy Ukrainian nationhood wherever they can. The destruction of cultural heritage has a special significance in this context: UNESCO has recorded, as of September 2023, damages to at least 291 cultural sites.²²

23. Along these lines is the systematic targeting and destruction of vital civilian infrastructures such as hospitals, markets, power stations, district heating systems (which generate heat from centralised facilities and distribute it to residential and commercial buildings), food storage and processing facilities. The most recent example is the brutal missile strike on a café and a grocery store in the village of Hroza, in the Kharhiv region, on 5 October 2023, which killed at least 51 people.²³ As estimated by the Kyiv School of Economics, the total direct war damage in Ukraine as of June 2023 was estimated at US\$150,5 billion, over half of which refers to housing and infrastructure.²⁴ The actual figures, however, might be higher.

24. Russia’s war of aggression is affecting Ukraine’s economy at large: in 2022, its GDP suffered a sharp decline of 30%.²⁵ By impeding Ukraine’s access to the international market, with the disruption of supply chains and trade routes, Ukraine’s exports have been severely reduced, and the implications have been felt on a global level, in particular with regard to grain exports. The decision of the Russian Federation to exit the Black Sea Grain Initiative in July 2023,²⁶ which allowed for the safe transport of grain from Ukraine, obliged the country to find alternative solutions, and had an impact on its exports as well as on global access to Ukraine’s grain stock. Furthermore, the Russian Federation has not refrained from attacking grain stocking infrastructure in the port of Odessa,²⁷ and the Russian authorities have explicitly stated that they can substitute Ukrainian grain in the global markets.²⁸ This indicates an attempt to weaponise trade and food export – a vital threat to global security, against which the second point of President Zelenskyy’s peace formula is directed.

25. In its [Resolution 2482 \(2023\)](#), the Assembly already noted that some of the acts committed by Russian forces against Ukrainian civilians could fall under Article II of the Genocide Convention (to which both the Russian Federation and Ukraine are parties), such as the forcible transfer of children for russification purposes. The abduction of tens of thousands of Ukrainian children and their internment in faraway regions of Russia is a crime against humanity and may indeed well amount to an element of genocide.

26. Similarly, in its [Resolution 2495 \(2023\)](#) “Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators”, the Assembly further emphasised this conclusion, supporting the need for thorough recording, gathering and assessment of evidence of the crime of genocide. In addition, the Assembly invited the International Criminal Court to examine the possible prosecution of the crime of genocide as regards the State policy of the Russian Federation towards Ukrainian children currently within its hands.

27. It is worth recalling that the International Criminal Court already issued arrest warrants against the Russian President Vladimir Putin and the Russian Commissioner for Children’s Rights Maria Lvova-Belova, stating that there are reasonable grounds to believe that each suspect bears responsibility for the war crime of unlawful deportation of population and that of unlawful transfer of population from temporarily occupied areas of Ukraine to the Russian Federation, in prejudice of Ukrainian children.²⁹

22. www.unesco.org/en/ukraine-war/damages-and-victims.

23. <https://edition.cnn.com/europe/live-news/russia-ukraine-war-news-10-05-23/index.html>.

24. Kyiv School of Economics, “The total amount of direct damage to Ukraine’s infrastructure caused due to the war as of June 2023 exceeded \$150 billion”, 2 August 2023.

25. www.imf.org/external/datamapper/NGDP_RPCH@WEO/UKR?zoom=UKR&highlight=UKR.

26. <https://edition.cnn.com/2023/07/17/europe/russia-ukraine-grain-deal-intl/index.html>.

27. www.reuters.com/world/europe/russia-hits-port-grain-silo-ukraines-odesa-region-official-2023-08-02/.

28. <https://edition.cnn.com/2023/10/05/economy/russia-wheat-exports-ukraine-war/index.html>.

29. International Criminal Court, [press release](#), 17 march 2023.

2.4. Recognising the Holodomor as a genocide

28. The genocidal policies of the Russian Federation against Ukraine must be seen in the context of an earlier attempt to wipe out the Ukrainian nationhood, namely the Great Famine (the Holodomor), whose 90th anniversary will be commemorated in November 2023.

29. The Holodomor killed anywhere between 4 and 8 million Ukrainians, mostly in the countryside, away from foreign observers posted in the cities. Secret documents published after the “Orange Revolution” showed that the famine was intentional. It targeted mostly Ukrainians, within the Ukrainian Soviet Socialist Republic as well as Ukrainians living in other regions of the Soviet Union.

30. The artificial famine was preceded by a campaign of show trials, enforced disappearances and other forms of repression against the Ukrainian intellectual elites – the cultural backbone of Ukrainian nationhood. Genocide does not require the physical elimination of all members of the target group: it is sufficient that the cultural backbone of the group is broken by rendering living conditions so impossible that the group as such is in fact destroyed.

31. While several Council of Europe member States already recognised the Holodomor as a genocide,³⁰ and the European Parliament did so in December 2022,³¹ it is now time for the Assembly to do the same, and call on national parliaments of member and non-member States that have not yet done so to follow its example. This long-awaited recognition would represent a symbolic yet powerful homage to the Ukrainian people and in particular to the victims of this horrific crime, which the Assembly had already examined in its [Resolution 1723 \(2010\) “Commemorating the victims of the Great Famine \(Holodomor\) in the former USSR”](#).

32. The Assembly will continue its work through its Committee on Legal Affairs and Human Rights on the basis of the motion “Commemorating the 90th anniversary of the Holodomor of 1932-1933 in Ukraine” to establish the historical truth and explain the legal arguments leading to the conclusion that the Holodomor was a genocide.³²

3. Council of Europe support to Ukraine

33. “*We will stand with Ukraine, for as long as it takes.*”³³ The Reykjavík Declaration adopted at the 4th Summit of the Council of Europe was a clear commitment and expression of full support to Ukraine and its people by the member States of the Organisation. Since the beginning of the full-scale war of aggression of the Russian Federation, the Council of Europe has stood shoulder-to-shoulder with Ukraine. The robust response of the Committee of Ministers – with the unanimous push of the Assembly – to exclude the Russian Federation from the Council of Europe was one of the first of these steps.

34. Concrete steps concerning the participation of the Russian Federation in the open conventions of the Council of Europe (those open to non-member States of the Organisation) have been taken, with each treaty body deciding, on the basis of their respective rules and procedure, the modalities for restricting the participation of the Russian Federation in those treaty bodies.³⁴

35. The Council of Europe has mobilised its expertise and resources in support of Ukraine. This has included providing expertise to Ukraine’s Prosecutor General in investigations into human rights violations, it has included expertise to Ukraine and neighbouring countries to respond to the mass displacement of the country’s civilian population, and it has seen the accession of Ukraine to the Council of Europe Development Bank in June 2023. The first operation in Ukraine since its accession to the Bank began in September 2023 to finance housing repairs for vulnerable households in conflict-affected areas of Ukraine. The Bank has further approved €1.3 billion in loans to meet the long-term needs of Ukrainian refugees and the host countries.

36. The Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026 was developed in particular to accompany the reconstruction process and economic recovery in Ukraine. Furthermore, it provides support to strengthen the resilience of Ukrainian public institutions, enhance democratic governance and the rule of law, and protect the fundamental rights of citizens. This Action Plan adds the expertise of the Council of Europe to Ukrainian efforts to recover from the devastation caused by the

30. <https://holodomormuseum.org.ua/en/recognition-of-holodomor-as-genocide-in-the-world/>.

31. www.europarl.europa.eu/news/en/press-room/20221209IPR64427/holodomor-parliament-recognises-soviet-starvation-of-ukrainians-as-genocide.

32. [Motion for a resolution, Doc. 15728](#), 21 March 2023.

33. Council of Europe, [United around our values – Reykjavík declaration](#), (2023).

34. Committee of Ministers, [CM/Del/Dec\(2022\)1438/2.3](#), 30 June 2022.

actions of the Russian Federation, and also to support Ukraine's European perspective reform agenda, following the decision of the European Council of 23 June 2022 to grant European Union candidate status to Ukraine.

37. The funding needs for the four-year co-operation framework of the Action Plan is estimated at €50 million. Contributions to this have already met 39% of these funding needs by 28 September 2023.³⁵ This continued support will be key for ensuring that projects can be launched in priority areas and in responding to evolving needs and priorities of the Ukrainian authorities.

38. The strong support of the member States of the Council of Europe for Ukraine has also been clear in the Assembly, with national delegations, political groups, and individual parliamentarians playing their part in mobilising the support of parliaments, governments and citizens for Ukraine.

39. The European Conference of Presidents of Parliament, held in Dublin on 28-29 September 2023,³⁶ reaffirmed solidarity with the Ukrainian people and an unwavering commitment to stand with Ukraine for as long as it takes. The role of national parliaments was emphasised as guardians of both democracy and the international law-based order. In this respect, parliamentarians are well-placed to show leadership, to continue to explain to their citizens the real stakes of this war and to hold governments to account to avoid any weakening of resolve. Using parliamentary diplomacy and inter-parliamentary dialogue, parliamentarians can continue to rally allies in support of Ukraine, and promote the multilateral system of global governance, firmly rooted in the rule of law.

40. The role of parliaments is equally important in ensuring that support at national level is secured for Ukraine to exercise its right to self-defence, and to begin to mobilise the resources that will be necessary to finance the reconstruction of Ukraine, redress environmental damage, and restore the rich cultural and religious heritage of the country. Parliaments should also contribute by providing expertise and advice, to ensure a greater institutional capacity of the Verkhovna Rada, strengthen Ukraine's democratic resilience, and prepare the country for its accession to the European Union as a fully-fledged member.

41. In Dublin, Presidents of parliament also confirmed commitment to the principles included in President Zelenskyy's 10-point peace formula, and continued strong support for the establishment of a compensation mechanism as well as for the creation of a special international tribunal for the crime of aggression.³⁷

4. Supporting Ukraine's victory

4.1. Military support

42. The Russian Federation is preparing for multiple years of war: the Ministry of Finance declared that the total volume of national defence spending will reach 10.8 trillion roubles in 2024,³⁸ a 70% increase of its defence spending budget compared to 2023, which would be equivalent to 30% of the total public expenditure and to 6% of its GDP.³⁹ At the same time, Ukrainian officials plan to continue operations through the winter. It will therefore be even more important to ensure that Ukraine is provided with the adequate means to keep advancing in the medium and long-term.⁴⁰

43. In this respect, the Assembly should encourage Council of Europe member States to bolster their support, and prove wrong the recurring voices spread by the Kremlin of a "war fatigue" among Ukraine's partners. On 2 October 2023, the European Union Foreign Ministers held a meeting in Kyiv, the first time ever in a non-member State, sending an important message of support to Ukraine. As stated by the EU High Representative Josep Borrell, the military, civilian and humanitarian support provided to date by the EU amounts to €85 billion,⁴¹ which, together with commitments from other member States, is the highest across the world.⁴² Mr Borrell also confirmed the European Union's pledge to train up to 40 000 Ukrainian soldiers in the upcoming months.

35. Council of Europe, Directorate of Programme Co-ordination, "[Resource mobilisation at a glance](#)", accessed 4 October 2023.

36. [Conclusions](#) of the European Conference of Presidents of Parliament, Dublin, 28-29 September 2023.

37. Ibid.

38. <https://tass.com/economy/1683837>.

39. www.huffingtonpost.co.uk/entry/russian-defence-spending-to-surge-as-kremlin-prepares-for-multiple-years-of-war-in-ukraine_uk_65193d6ce4b0521d3236cf18.

40. Institute for the Study of War, "[It's Time for the West to Embrace Ukraine's Way of War, Not Doubt It](#)", 25 September 2023.

44. On the other hand, on 30 September 2023 a government shutdown in the United States was avoided at the very last minute. The continuity of US support is crucial to sustain Ukraine's war effort, in particular considering that the US is its largest provider of military aid: as of July 2023, it provided a total of US\$46.6 billion in security assistance, weapons, and loans and grants for the purchase of weapons and military equipment.⁴³

45. The most recent developments in terms of military equipment provided to Ukraine include the pledge made in August 2023 by Denmark, the Netherlands and Norway to provide F-16 fighter jets, accompanied by other countries that will ensure support to train Ukrainian pilots: the first planes should be deployed in early 2024. In the meantime, the first group of US-made M1 Abrams tanks have arrived in Ukraine and should soon be used on the field. Both fighter jets and tanks will hopefully provide a significant contribution to the counteroffensive, but further support should be provided also in terms of ammunition and artillery shells, by increasing their production, as requested by President Zelenskyy during his meeting with the EU Foreign Ministers in Kyiv.⁴⁴

4.2. Political and diplomatic support

46. Russia's war of aggression against Ukraine is being fought in the battlefield as well as in the court of public opinion. Supporting Ukraine's victory, therefore, entails deploying diplomatic efforts to maintain and raise support for Ukraine among the international community as well as domestically, ensuring that governments deliver on their promises and that the public opinion is well informed of the stakes of this war.

47. Commitment to political and diplomatic support is important for the defence of Ukraine and equally for the defence of the international multilateral system. Bolstering diplomatic support, by calling on all States wishing to uphold a rules-based international order of peace to support Ukraine and isolate the Russian Federation, to protect the principles of territorial integrity and sovereignty, remains crucial at bilateral level as well as in multilateral institutions.

48. The informal meeting of the European Union Foreign Ministers in Kyiv in October 2023 was a sign of the resolve and unity of European countries. The high-level open debate on effective multilateralism and the maintenance of peace and security of Ukraine organised by Albania holding of the rotating presidency of the United Nations Security Council in September 2023 was also of importance in this regard. The need for dialogue, diplomacy and a just peace is clear among international leaders. However, the debate also reflected the differing concerns among some States or groups.

49. The BRICS, for instance, have refrained from condemning the Russian Federation's illegal war of aggression against Ukraine.⁴⁵ Through the BRICS platform and by strengthening bilateral relations with countries in Africa, Asia and Latin America, the Russian Federation seeks to dodge sanctions and boost trade. This approach is underscored by efforts to expand the group, with the first wave of enlargement announced during the XV BRICS Summit held in August 2023. This will see Argentina, Egypt, Ethiopia, Iran, Saudi Arabia and the United Arab Emirates become full members of BRICS in January 2024.⁴⁶

50. Political support at national level is also crucial. The effects of the Russian Federation's war of aggression have clear implications for the cost-of-living, energy markets, environment, and food security in countries worldwide. Effective political messaging will continue to be needed to maintain a broad front of solidarity with Ukraine in the face of misinformation spread by the Russian Federation that international sanctions imposed on Russia, and actions of supporters of Ukraine, are to blame for domestic challenges. The Assembly has previously noted that the responsibility lies with the aggressor regime. Without its serious violations of international law there would have been no need for sanctions.⁴⁷

41. www.eeas.europa.eu/eeas/ukraine-press-remarks-high-representative-josep-borrell-russia%E2%80%99s-information-manipulation-its_en.

42. Kiel Institute for the World Economy | Ukraine Support Tracker.

43. "How Much Aid Has the U.S. Sent Ukraine? Here Are Six Charts", Council on Foreign Relations (cfr.org).

44. www.president.gov.ua/en/news/nasha-spilna-peremoga-pryamo-zalezhit-vid-nashoyi-z-vami-spi-86013.

45. XV BRICS Summit Johannesburg II Declaration, 23 August 2023.

46. Media briefing remarks by BRICS Chair, President Cyril Ramaphosa, announcing the outcomes of the XV BRICS Summit, 24 August 2023.

47. Resolution 2506 (2023) "Political consequences of the consequences of the Russian Federation's war of aggression against Ukraine".

5. A comprehensive, just and lasting peace

5.1. Supporting Ukraine's reconstruction

51. The post-war reconstruction effort in Ukraine might be the largest post-war rebuilding effort in modern history. Ukraine has already shown that it is possible to rebuild during an unfolding war, and it is vital that post-war reconstruction planning starts as soon as possible. Ukraine's reconstruction can only be a success in the context of the country's long-term future at the heart of Europe, not only geographically but also politically: European integration is crucial to Ukraine's recovery.

52. A joint assessment released in March 2023 by the Government of Ukraine, the World Bank Group, the European Commission, and the United Nations, estimates that the cost of reconstruction and recovery in Ukraine has grown to US\$411 billion (equivalent of €383 billion). The estimate covers the one-year period from Russia's invasion of Ukraine on 24 February 2022, to the first anniversary of the war on 24 February 2023. The cost of reconstruction and recovery is expected to stretch over 10 years and combines both needs for public and private funds.⁴⁸

53. Lessons for a successful reconstruction process can be drawn from the transformative reform and reconstruction efforts in Western Europe following the Second World War, in Central and Eastern Europe following the end of the Cold War, and the Western Balkans following the wars in the former Yugoslavia. In all of these cases, the process of European political integration played a key role in laying the ground for greater stability and prosperity.⁴⁹ Security is also essential to create a solid ground for Ukraine's reconstruction. Moreover, successful reconstruction will require strong links in the field of international trade and investment, as well as a welcoming environment for international business.

54. The National Recovery Council adopted its Recovery Plan in July 2022, with the aim of finding efficient solutions for a fast recovery of the crucial economic and social processes and natural ecosystems, and developing a modernisation plan to ensure expedited sustainable economic growth and the wellbeing of people.⁵⁰

55. The Ukraine Recovery Conference 2023 held in London from 21 to 22 June 2023, co-hosted by the United Kingdom and Ukraine, strengthened commitments of international support for Ukraine and worked towards attracting international investment to rebuild Ukraine, focusing on how best to enable private sector to invest in Ukraine's own transformation and reform program.⁵¹ The Ukraine Recovery Conference in 2024 will be hosted by Germany, and it will be important to keep the momentum of the previous conferences.

56. The Ukrainian people are the most important asset in this process, and their well-being should be prioritised. Local actors are the best judges of their community's needs and can bring in networks and expertise to facilitate access to essential services. Donors, governments, and institutions should therefore pledge resources that enable municipalities to take the lead where they are the best positioned to act.

5.2. Supporting Ukraine's democratic resilience

57. Ukraine's democratic institutions at all levels are put to a test by the Russian aggression, and they have proven to be strong notwithstanding the related difficulties. Making them even more resilient will be essential for the development of a prosperous society once the aggression is over, and to secure Ukraine's path towards integration in the European Union.

58. The Council of Europe has affirmed its role as one of the main partners of Ukraine, through its multifaceted co-operation activities. The Action Plan for Ukraine 2023-2026⁵² aims at strengthening the protection of human rights, the reform and effectiveness of the justice system and the promotion of good democratic governance.

48. www.worldbank.org/en/news/press-release/2023/03/23/updated-ukraine-recovery-and-reconstruction-needs-assessment.

49. www.rand.org/pubs/research_reports/RRA2200-1.html.

50. www.urc-international.com/urc2022-recovery-plan.

51. www.gov.uk/government/publications/ukraine-recovery-conference-2023-ukraine-and-uk-co-chairs-statement.

52. Council of Europe Action Plan for Ukraine, "Resilience, Recovery and Reconstruction" 2023-2026.

59. One of the main challenges involves the organisation of free and fair elections when conditions are met. The Council of Europe is already supporting the Ukrainian authorities by providing its expertise on the legislative reforms that will be necessary to ensure that elections are held according to international standards and truly reflect the will of the electorate.⁵³

60. In order to ensure security, resilience, and accountability, the good democratic governance of public institutions at all levels must be strengthened. The decentralisation reform that Ukraine embarked upon more than a decade ago, with the assistance of the Council of Europe,⁵⁴ has helped local self-governments to cope with the extraordinary challenges provoked by the full-scale invasion. Even during war times, it remains one of the most popular reforms among Ukrainian citizens,⁵⁵ and this momentum should not be lost. The creation of the Ukrainian Congress, a body which will allow the government to consult with the local and regional authorities, is a welcome development in this direction.⁵⁶

61. Democratic institutions can function properly only in a framework based on the protection of human rights and the rule of law. The development of transitional justice measures, aimed at addressing the multiple crimes and violations of human rights caused by the full-scale invasion of the Russian Federation, will be a first step in this direction. These will have to include accountability for the perpetrators of crimes and mechanisms to ensure reparations for the victims. The Commissioner for Human Rights as well as the Venice Commission can provide guidance in this regard.

62. The Ministers of Justice of the G7 countries gathered in Tokyo on 7 July 2023 also declared their commitment to support Ukraine in ensuring accountability and investigating and prosecuting crimes committed during the war of aggression, as well as in undertaking reforms of the justice system, with a specific focus on anti-corruption measures.⁵⁷

63. All these aspects will be even more important in the context of the post-war reconstruction of Ukraine, with a view to applying the “Building Back Better Principles” to all domains. Council of Europe member States should make sure that funding is available to cover all the initiatives foreseen in the Action Plan 2023-2026, as already recommended by Resolution 2506 (2023) of the Assembly.

5.3. Supporting Ukraine’s further European and Euro-Atlantic integration

64. Immediately after the beginning of the full-scale invasion, Ukraine sent its formal application for EU membership. On 23 June 2022, by unanimous agreement between the leaders of the 27 EU member States, Ukraine was granted candidate status.

65. During the highly-symbolic meeting of European Union Foreign Ministers in Kyiv, in October 2023, the Ukrainian Foreign Minister, Dmytro Kuleba expressed his expectation to be able “to open accession talks by the end of the year”. High Representative Josep Borrell also highlighted that, by the end of the year, the European Council will receive the report of the European Commission on the Enlargement package, to be presented by Mr Borrell himself and the Commissioner for Neighbourhood and Enlargement Olivér Várhelyi.

66. The Council of Europe with its monitoring and co-operation bodies will be a close partner of Ukraine on its steps towards the alignment with the EU *acquis*, which are crucial to the path of accession. The Assembly can play an active role in this process, monitoring that the effort is sustained by all parties.

67. In response to Ukraine’s aspirations for membership to the North Atlantic Treaty Organization (NATO), its member States agreed already at the 2008 Bucharest Summit that Ukraine would become a member of NATO. From 2010 to 2014, Ukraine pursued a non-block policy, which it terminated in response to Russia’s aggression. In June 2017, the Ukrainian Parliament adopted legislation reinstating membership in NATO as a strategic foreign and security policy objective. In 2019, a corresponding amendment to Ukraine’s Constitution entered into force. In September 2022, following Russia’s illegal attempt to annex a part of the territories of the Ukrainian regions of Donetsk, Kherson, Luhansk and Zaporizhzhia, Ukraine reiterated its request for NATO membership.⁵⁸ At the Vilnius Summit held on 11 July 2023, member States reaffirmed their commitment that Ukraine will become a member of NATO, recognising Ukraine’s increased interoperability and substantial

53. See the Council of Europe projects, “Supporting democratic post-war elections in Ukraine” and “Strengthening democratic resilience through civic participation during the war and in the post-war context in Ukraine”.

54. Strengthening Good Democratic Governance and Resilience in Ukraine.

55. “Ukraine: in wartime support to decentralisation reform increased” – Good Governance (coe.int).

56. “Congress supports Ukraine in strengthening dialogue between national, regional and local authorities” – Portal (coe.int).

57. G7 Japan 2023, Justice Ministers’ Communiqué (Tokyo Declaration), 7 July 2023.

58. www.nato.int/cps/en/natohq/topics_37750.htm.

progress with reforms. The final statement says that NATO member States will continue to support and review Ukraine's progress on interoperability as well as additional democratic and security sector reforms. NATO will be in a position to extend an invitation to Ukraine to join the Alliance when Allies agree and conditions are met.

68. On the margins of NATO's Vilnius Summit, G7 Leaders declared that they would launch bilateral negotiations with Ukraine to formalise long-term security commitments. Additionally, several national parliaments' resolutions are calling for Ukraine's membership in NATO. In May 2023, for instance, the Riigikogu (Parliament of Estonia) passed a Statement in Support of Ukraine's NATO Membership, as the only way to ensure a rules-based world order, lasting peace and the security of the democratic countries of Europe.⁵⁹ The Saeima (Parliament of Latvia) issued a statement, ahead of the NATO Vilnius Summit, stressing that Ukraine has permanently taken a move towards Euro-Atlantic integration, and that it supports Ukraine's full-fledged inclusion in the North Atlantic Alliance as soon as conditions allow it.⁶⁰ More recently, the Lithuanian Parliament adopted on 19 September 2023 a resolution expressing support for Ukraine's NATO membership and calling on the member States to invite Ukraine to join the alliance at its next summit in Washington D.C.⁶¹

69. NATO Secretary General Jens Stoltenberg visited Kyiv on 28 September 2023 – for the second time since the beginning of the full-scale invasion – to underscore NATO's powerful support for Ukraine in talks with President Volodymyr Zelenskyy and his government. He underlined that NATO Allies continue to provide high-end capabilities to help push back the invasion, including modern tanks, sophisticated missile systems, and air defences, as well as training for F-16 pilots.⁶²

6. A just peace

70. The horrors of the Russian war of aggression against Ukraine require full accountability of the Russian Federation and, in particular, its political and military leadership. This is a matter not only of ensuring justice for Ukraine and its people, but also of upholding the rules-based international order based on the prohibition of the use of force set out in Article 2, paragraph 4, of the United Nations Charter. The international community cannot accept this blatant violation of international law, or else the world will be once again dominated by powerful States starting wars and changing borders at will.

71. As the Reykjavík Declaration points out, there cannot be peace without accountability. The Assembly therefore has welcomed the establishment of the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine (Register of Damage). As an Enlarged Partial Agreement, it is open to any country in the world, adding to its political relevance. The Register of Damage now has 44 members from across three continents (Europe, North America, and Asia). Efforts to continue to promote participation of the largest possible number of States and other international organisations are desirable for enhancing the functioning of the Register of Damage as well as serving as a strong message of solidarity and support for Ukraine and for international justice.

72. Since the establishment of the Register of Damage, the Conference of Participants has met twice. In June 2023, a Host State Agreement between the Council of Europe and the Netherlands establishing The Hague as the seat of the Register of Damage was signed and has come into force. The second meeting of the Conference of Participants focused on financial issues and the procedure for the appointment of the Board. The Executive Director of the Register of Damage, Markiyan Kliuchkovskiy, has set the goal of the Register of Damage becoming fully operational and ready to start taking claims in the first quarter of 2024.

73. During their Informal Conference held in Riga on 11 September 2023, the ministers of Justice of the Council of Europe adopted a declaration that outlined the principles (Riga principles) for member States to the Register of Damage to consider in order to achieve comprehensive accountability for the Russian Federation's aggression against Ukraine.⁶³ These included:

- victim-centred approach;

59. www.riigikogu.ee/en/news-from-committees/foreign-affairs-committee/the-riigikogu-issued-a-statement-in-support-of-ukraines-nato-membership/.

60. <https://eng.lsm.lv/article/politics/saeima/01.06.2023-latvian-saeima-ukraine-must-be-accepted-into-nato.a511011/>.

61. www.lrt.lt/en/news-in-english/19/2080499/lithuanian-parliament-urges-allies-to-invite-ukraine-to-nato-at-washington-summit.

62. www.nato.int/cps/en/natohq/news_218847.htm.

63. Declaration of the Informal Conference of Ministers of Justice of the Council of Europe, Riga, 11 September 2023.

- firm legal basis;
- authority and legitimacy;
- support to Ukrainian national authorities;
- coherence, complementarity and interoperability;
- civil society engagement;
- work towards an effective reparation.

74. In the Resolution establishing the Enlarged Partial Agreement on the Register of Damage the participants to the Register agree to continue working in co-operation with Ukraine and relevant international organisations and bodies towards the establishment, by a separate international instrument, of a future international compensation mechanism. The Register of Damage, including its digital platform with all data about claims and evidence, is an integral initial step towards the realisation of this.

75. There remains the need to work swiftly on the future steps, namely the establishment of an international commission for the adjudication of claims for damages established by the Register of Damage, and the establishment of a compensation mechanism to pay out the claims for damages established by the Register and adjudicated by the commission. The Assembly has already said that the compensation mechanism should make use of confiscated assets to pay for war damages in Ukraine without delay.⁶⁴

76. Further steps beyond a functioning compensation mechanism should also be pursued in efforts to respond to the gravity of the crimes committed by the Russian Federation and to ensure full accountability of the aggressor. For this reason, the Assembly has consistently called for the establishment of a special international tribunal for the crime of aggression to prosecute the political and military leadership of the Russian Federation, most recently through [Resolution 2482](#) (2023) “Legal and human rights aspects of the Russian Federation’s aggression against Ukraine”.

77. Considerable progress has been made in the creation of an *ad hoc* international tribunal for the crime of aggression since the Assembly first made this proposal in April 2022. A “core group” of 37 States willing to set up such a tribunal has been constituted, and an International Centre for the Prosecution of the Crime of Aggression (ICPA) has been set up in The Hague with the support of the Netherlands and the European Union. The Assembly stresses that the legal form chosen for this tribunal – a fully international or an internationalised (hybrid) Ukrainian tribunal – should ensure the highest international legitimacy and the lowest legal risks, in particular as regards the possibility for suspects to rely on personal or functional immunity.

78. At the same time, Ukrainian prosecutors and investigators have registered over 100 000 war crimes perpetrated by Russian troops on Ukrainian soil.⁶⁵ The continued support for investigations and evidence-gathering efforts conducted by the Ukrainian authorities, other national authorities, and the Prosecutor of the International Criminal Court remains of the utmost importance. The beginning of operations of the International Criminal Court’s field office in Kyiv in September 2023 was a further step in enhancing the effectiveness and efficiency of responding to the crimes that Russia continues to commit against Ukraine and Ukrainians every day.

7. Democratic security and rules-based multilateralism

79. The pursuit of democratic security was central to the Vienna Declaration which was adopted by the Heads of State and Government of the Council of Europe at their first Summit in Vienna in 1993.⁶⁶ This declaration acknowledged the historic opportunity to consolidate peace and stability, underwritten by a commitment to pluralist and parliamentary democracy, the indivisibility and universality of human rights, the rule of law, and common cultural heritage enriched by its diversity. The compliance of each member State with Council of Europe standards in the areas of human rights, democracy and the rule of law would be also a guarantee of security for the others, as democracies do not wage war.

80. There are abundant examples of the promise of this declaration being met. In October 2023 the 30-year anniversary of Romania’s accession to the Council of Europe is celebrated. This is one of the many examples across the continent where the commitment to the common values of human rights, democracy and the rule of

64. [Resolution 2434](#) (2022) “How to put confiscated criminal assets to good use?”.

65. Prosecutor General of Ukraine, press release, 14 September 2023, www.gp.gov.ua/ua/posts/u-kijevi-rozpocav-robotu-polyovii-ofis-miznarodnogo-kriminalnogo-sudu.

66. Vienna Declaration, [Decl\(09/10/93\)](#), October 1993.

law is the foundation of a successful process of European integration. The same path has been followed by many countries which joined the Organisation following the fall of the Berlin wall, which, together, have built not only a shared legal space but also a community of values.

81. The Russian Federation provides a clear example of the opposite path, and of the direct link between the rejection of Council of Europe values and standards at domestic level and an aggressive posture in international relations. In addition, it would be useful to enrich the political debate with a historical analysis of the trajectory of Russia's imperialism in central and eastern Europe over the years, as the denial of Ukraine's separate nationhood has deep roots in Russia's discourse.

82. The Russian Federation's war of aggression against Ukraine flouts the principles of respect for territorial integrity and political independence of States, while its malign interference in elections and political processes aims to weaken and destabilise democracies. This pattern of behaviour is a direct threat to the fundamentals of global governance, and is even more serious as it is carried out by a State occupying a permanent seat of the United Nations Security Council, the body which should be in charge of maintaining international peace and security.

83. If there is a lesson for Europeans to learn from the course of history is that firmness is indispensable to deter an aggressor and that greater investment is needed to enhance democratic security in Europe, through the mission of the Council of Europe.

8. Conclusions

84. Ukrainians are fighting for their future. They are also fighting for the future of all Europeans and for the respect of the founding principles of the international order as it was established in the aftermath of the Second World War and enshrined in the Charter of the United Nations.

85. A disturbing parallelism can be drawn between the current genocidal policies of the Russian Federation in Ukraine and the Holodomor, the genocide by famine perpetrated by the Soviet authorities against Ukrainians in the 1930s. The recognition of the Holodomor as a genocide by the Assembly and by parliaments which have not yet done so would be a due act of homage to the Ukrainian people and in particular to the victims.

86. As the Russian Federation is preparing for a protracted conflict, the call to keep a united front in supporting Ukraine to win a comprehensive, just and lasting peace should be more powerful than ever. The Assembly has already expressed its support for President Zelenskyy's peace formula, as have done the Presidents of Parliaments of Council of Europe member States in their recent conference (Dublin, 28-29 September 2023). The Assembly should call on national parliaments to express their formal endorsement.

87. Peace can be just only if a comprehensive system of accountability is put in place and implemented to hold to account the Russian aggressors and the perpetrators. The launch of the Register of Damage is a very significant step forward in this direction and testifies to the profound commitment of many countries around the world for justice to be delivered. On the strength of this momentum, the push for setting up an international compensation mechanism for the victims and a Special International Tribunal to investigate and prosecute the crime of aggression committed by the Russian political and military leadership should continue.

88. Peace can only be lasting if the territorial integrity of Ukraine is fully restored, its infrastructure is rebuilt, its economy is helped to recover, and its democracy is robust and resilient. Finally, peace can only be lasting if the multilateral system is strongly anchored in international law and has the means and authority to curb malign destabilisation attempts and prevent war from happening again in the future.