Parliamentary Assembly
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# Transnational repression as a growing threat to the rule of law and human rights

**Reply to Recommendation**[1]: Recommendation 2257 (2023)
Committee of Ministers

1. The Committee of Ministers informs the Parliamentary Assembly that the following reply was adopted by a majority as provided by Article 20 (d) of the Statute.

2. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2257 (2023) "Transnational repression as a growing threat to the rule of law and human rights" and has forwarded it to the Steering Committee for Human Rights (CDDH) and the European Committee on Crime Problems (CDPC) for information and possible comments.

3. The Committee of Ministers considers that phenomena of the type described by the Assembly are a matter of serious concern, inconsistent with the values and principles of the Council of Europe, and may contravene its member States' legal obligations, notably under the European Convention on Human Rights.

4. As regards the Assembly's recommendation in paragraph 1.1, the Committee of Ministers considers that its existing Guidelines on eradicating impunity for serious human rights violations of 2011, to which the Assembly refers, already cover those transnational repression methods or techniques that can be considered as "acts in respect of which States have an obligation under the Convention, and in the light of the Court's case law, to enact criminal law provisions". Other techniques mentioned by the Assembly, such as passport cancellation and denial of consular services, which do not engage criminal law, fall outside the scope of the current Guidelines.

5. With this in mind, and referring to the Assembly's recommendation in paragraph 1.2, the Committee of Ministers informs the Assembly that it has given terms of reference to the CDDH to prepare a study on the need for and feasibility of (an) additional non-binding instrument(s) to complement the 2011 Committee of Ministers' Guidelines on eradicating impunity for serious human rights violations, by the end of 2025. The first meeting of the CDDH drafting group, held in May 2024, identified the scope of the Guidelines as an issue for further examination. The Committee of Ministers invites the CDDH to bear in mind Assembly Recommendation 2257 (2023) in this work, where appropriate.

6. As concerns paragraph 1.3 of the Assembly's recommendation, the Committee of Ministers recalls that in all cases pending execution, the individual and general measures to be taken to ensure cessation, non-repetition and reparation for any human rights violations will depend on the nature of the violations and the Court's conclusions. Member States are free to choose the means by which they discharge their obligations under Article 46, paragraph 1, of the Convention. In appropriate cases, the Committee of Ministers seeks to ensure that member States achieve accountability through any measures they adopt, with reference to its Guidelines on eradicating impunity for serious human rights violations.

1. Adopted at the 1510th meeting of the Ministers' Deputies (23 October 2024).