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Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine / Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity

Reply to Recommendation[1]: Recommendation 2285 (2024) and Recommendation 2294 (2025)

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2285 (2024) "Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine" and Recommendation 2294 (2025) "Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity" and has forwarded them to the Steering Committee on Human Rights (CDDH) and the Committee of Legal Advisers on Public International Law (CAHDI) for information and possible comments.

2. The Committee first and foremost assures the Assembly that accountability for the war of aggression of the Russian Federation against Ukraine remains one of its highest political priorities. In this context, it would like to recall recent steps taken towards achieving accountability and avoiding impunity.

3. First, as concerns the Register of Damage for Ukraine, the Committee of Ministers informs the Assembly that in September 2025, the Register officially launched two new claims categories on the forcible transfer or deportation of children and the forcible transfer or deportation of adults. These categories are designated for individuals – both children and adults – who were forcibly transferred within Ukraine or deported outside of Ukraine, caused by the Russian Federation's internationally wrongful acts. The Committee recently examined the Register's annual activity report for 2024 and held an exchange with its Executive Director.

4. As concerns a claims commission, the Ad hoc Committee on the Establishment of a Claims Commission for Ukraine (CAHEC) prepared a draft Convention establishing an International Claims Commission for Ukraine, which received a favourable opinion from the Parliamentary Assembly in October 2025. It was then approved by the Committee of Ministers on 22 October 2025 and will be adopted and opened for signature at a Diplomatic Conference in The Hague on 15 and16 December 2025.

5. Regarding the establishment of a Special Tribunal, a bilateral agreement between the Council of Europe and Ukraine establishing a Special Tribunal for the Crime of Aggression against Ukraine was signed by the Ukrainian President and the Secretary General, as authorised by the Committee of Ministers, on 25 June 2025. Subsequently, the Committee of Ministers set up a Working Party on the Special Tribunal for the Crime of Aggression against Ukraine (GT-TRIBUNAL) which has now met four times and is making progress in examining the draft legal instruments and preparing the decisions required to establish the Special Tribunal within the framework of the Council of Europe.

6. Furthermore, the Committee of Ministers informs the Assembly that a study on the need for and feasibility of (an) additional non-binding instrument(s) to supplement the 2011 Committee of Ministers' Guidelines on impunity should be completed and transmitted to the Committee of Ministers soon. Issues for

1. Adopted at the 1546th meeting of the Ministers' Deputies (10 December 2025).

possible inclusion in revised Guidelines or a supplementary instrument include universal criminal jurisdiction, reparations, compensation measures and mechanisms, and targeted sanctions, as well as interstate co-operation.

7. On the question of missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine, the Committee shares the Assembly's deep concern over their fate and has discussed this issue regularly in meetings of the Joint Committee.

8. The Committee of Ministers also shares the profound concern of the Assembly over the situation of the children of Ukraine. It refers to its reply to Parliamentary Assembly Recommendation 2265 (2024), adopted on 7 November 2024, which indicates various avenues of assistance in this area. As concerns the recommendation on creating a joint registry of individuals on sanctions lists, the Committee considers that drawing on and, where relevant, strengthening existing mechanisms may be the most effective solution. It recalls that the Register of Damage now has a new category of claims on the forcible transfer or deportation of children, as mentioned above.

9. Moreover, the Committee informs the Assembly that it held an exchange of views on 7 November 2025 with Ms Thórdís Kolbrún Reykfjord Gylfadóttir, Special Envoy of the Secretary General on the situation of the children of Ukraine, about her activities since her nomination in early February 2025. It will also focus its annual exchange with the United Nations (human rights questions), scheduled in February 2026, on "Human rights and the children of Ukraine*".*

10. Finally, as concerns supervision of the execution of the judgment in the interstate case *of Ukraine v. Russia (re Crimea)*, which also addresses the situation of Ukrainian children, the Committee of Ministers will resume consideration of this case at one of its Human Rights meetings in 2026. In that context, it will strive to examine the state of progress of relevant investigations and assess what kind of synergies could be established to ensure accountability of the Russian Federation for serious human rights violations in the Crimea.