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## Consequences of the Russian Federation's aggression against Ukraine

### Report<sup>1</sup>

Committee on Political Affairs and Democracy

Rapporteur: Ms Ingrid SCHOU, Norway, Group of the European People's Party

### Summary

The Assembly should condemn, in the strongest terms, the Russian Federation's aggression against Ukraine and stand 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.

The Russian Federation's war of aggression against Ukraine is contrary to international law, is a serious breach of the Council of Europe Statute and runs counter the obligations and commitments which the Russian Federation undertook upon accession.

In the common European home, there is no place for an aggressor. The Committee of Ministers should request the Russian Federation to withdraw from the Council of Europe. Should the Russian Federation not comply with the request, the Committee of Ministers should envisage the immediate possible date from which the Russian Federation would cease to be a member of the Council of Europe.

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1. Reference to committee: Bureau decision, Reference 4632 of 14 March 2022.



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## A. Draft Opinion

1. Since 24 February 2022, the Russian Federation has been waging war on Ukraine, provoking thousands of civilian casualties, displacing millions of people and devastating the country, in a continuation of the war of aggression which started already in February 2014. In launching this further military aggression, the Russian Federation has chosen recourse to force over dialogue and diplomacy to achieve its foreign policy objectives, in violation of the legal and moral norms that govern the peaceful coexistence of States. This conduct shows disregard for the very essence of the Council of Europe as enshrined in its Statute (ETS No. 1), which is the conviction that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation.
2. The Parliamentary Assembly condemns, in the strongest terms, 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.
3. The Assembly considers that the Russian Federation's armed attack on Ukraine is in breach of the Charter of the United Nations and qualifies as "aggression" under the terms of Resolution 3314 (XXIX) of the United Nations General Assembly adopted in 1974. It is a violation of the Helsinki Final Act and the Charter of Paris for a New Europe.
4. It is also a serious breach of Article 3 of the Statute of the Council of Europe and a violation of the obligations and commitments that the Russian Federation accepted upon becoming a member of the Organisation, including the commitments to settle international and internal disputes by peaceful means, rejecting resolutely any threats of force against its neighbours, and to denounce the concept of treating neighbouring States as a zone of special influence called the "near abroad".
5. The Assembly deplores that, despite the many appeals to cease the hostilities and to comply with international law, the Russian leadership has persisted in its aggression, escalating the violence in Ukraine and making threats should other States interfere. Through its attitude and actions, the leadership of the Russian Federation poses an open menace to security in Europe, following a path which also includes the act of military aggression against Georgia and subsequent occupations of its two regions in 2008, the illegal annexation of Crimea, and its role in eastern Ukraine, which culminated in the illegal recognition of the self-proclaimed republics of Donetsk and Luhansk as "independent States".
6. The Assembly is deeply disturbed by evidence of serious violations of human rights and international humanitarian law by the Russian Federation, including attacks against civilian targets, indiscriminate use of artillery, missiles, and bombing – including cluster bombs –, attacks on humanitarian corridors intended to allow civilians to escape from besieged towns and cities and hostage taking. It notes with shock the reckless attacks by Russian armed forces on nuclear facilities in Ukraine.
7. The Assembly supports all efforts aimed at ensuring accountability, including the decision by the Prosecutor of the International Criminal Court (ICC) to investigate the situation in Ukraine and the establishment of a special investigation commission by the United Nations Human Rights Council. It also welcomes other efforts to document possible crimes under international law committed in Ukraine, including through the publication of commercial satellite imagery, the analysis of this imagery and other forms of open-source intelligence by private actors. Similarly, it takes note of the application filed by Ukraine 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 United Nations Genocide Convention.
8. The Assembly regrets that the Russian Federation has failed to implement numerous decisions of the European Court of Human Rights, including its interim measures, asking the Russian Federation to refrain from military attacks against civilians and civilian objects, including residential premises, emergency vehicles and other specially protected civilian objects such as schools and hospitals, and to immediately ensure the safety of the medical establishments, personnel and emergency vehicles within the territory under attack or siege by Russian troops.
9. The Assembly is deeply concerned at the situation of Ukrainians who have been forced to flee their country for fear of their lives, in the biggest refugee exodus seen in Europe since the Second World War. The Assembly applauds the generosity and solidarity shown by neighbouring countries, who continue to take in hundreds of thousands of refugees, most of them women and children: Poland has so far welcomed 1 700 000 refugees, Hungary 250 000, the Republic of Moldova 110 000, Romania 85 000, and the Slovak

Republic 200 000. In this context, the Assembly welcomes the decision by the European Union to implement the temporary protection directive while calling for further support in response to this unprecedented humanitarian crisis, including through resettlement programmes.

10. The Assembly notes that the unfolding Russian aggression on Ukraine has been very widely condemned by the international community, in particular by States and international organisations. A strong critical stance has also been taken by other actors, from international sports administration bodies to private companies to prominent cultural figures and sports personalities.

11. In the Russian Federation, however, anti-war protests are stifled. The Assembly condemns the actions 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, the harsh repression of peaceful protests, and severe restrictions on access to social media. It deplores the fact that, as a result, the Russian population is deprived of information from independent sources, instead being exposed only to State-controlled media that amplify a distorted narrative of the war.

12. These tragic events confirm the relevance and continuous necessity of the Council of Europe as a value-based intergovernmental organisation working to promote democracy, human rights and the rule of law. Through its numerous bodies and institutions, and in the respect of its remit and mission, the Council of Europe should be on the frontline in providing assistance and expertise to support Ukraine and Ukrainians.

13. In light of the above, the Assembly calls on the Russian Federation to:

- 13.1. cease hostilities against Ukraine and immediately, completely and unconditionally withdraw its military forces from the territory of Ukraine within its internationally recognised borders;
- 13.2. comply strictly with its obligations under human rights and international humanitarian law;
- 13.3. refrain, in all circumstances, from attacks against civilians and 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;
- 13.4. comply with the interim measures indicated by the European Court of Human Rights;
- 13.5. not to hinder the prompt delivery of humanitarian assistance to the Ukrainian population, or the effective access of humanitarian agencies to Ukraine and within Ukraine;
- 13.6. co-operate with the investigations and proceedings that have been set up by the International Criminal Court, the International Court of Justice and the special commission to be constituted by the Human Rights Council;
- 13.7. 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;
- 13.8. immediately release and reinstate the mayor of Melitupol, Ivan Fyodorov;
- 13.9. ensure full respect for freedom of expression and association, media freedoms and access to the internet, in accordance with international legal obligations.

14. The Assembly calls on Council of Europe member States to:

- 14.1. further increase humanitarian assistance to Ukraine and to ensure the safe and effective functioning of the humanitarian corridors;
- 14.2. step up support for Council of Europe States which have received large numbers of Ukrainian refugees;
- 14.3. contribute to the Ukraine Flash Appeal launched by the United Nations as well as by other organisations such as the International Red Cross;
- 14.4. establish schemes to facilitate access to their territories and grant protection status to persons fleeing the war in Ukraine including, when applicable, by applying the European Union's temporary protection directive;
- 14.5. avoid discrimination against refugees on any basis while taking into account the needs of vulnerable refugees fleeing Ukraine, including children, victims of gender-based violence or trauma, persons with disabilities and the elderly;
- 14.6. devise strategies and measures aimed at the integration refugees, in a long-term perspective;

14.7. develop and implement programmes to resettle from neighbouring countries persons who fled the war in Ukraine;

14.8. consider further strengthening the resources of the Council of Europe Development Bank, with a view to improving its capacity to address emergency needs through targeted grant support and to reinforce its long-term ability to finance social infrastructure investments in countries hosting large numbers of Ukrainian refugees;

14.9. step up voluntary contributions to ensure that the Council of Europe can offer a package of priority measures for Ukraine, to be implemented as soon as conditions allow;

14.10. show their continued trust in the Organisation by ensuring its financial sustainability, should the Russian Federation fail to meet its financial commitments to the Council of Europe or cease to be a member of the Organisation.

15. As regards the role of the Council of Europe, the Assembly:

15.1. invites the Commissioner for Human Rights to continue her efforts aimed at raising awareness about the situation of those fleeing Ukraine and those who remain in Ukraine, and to support initiatives aimed at documenting human rights violations and breaches of international humanitarian law in Ukraine, including through regular contact with her network of human rights defenders and civil society;

15.2. invites the Secretary General of the Council of Europe to ask her Special Representative on Migration and Refugees to give priority, in her activities, to the situation of refugees and displaced persons fleeing the war in Ukraine, also relying on the Network of Focal Points on Migration and in the framework of the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).

16. In the event that the Russian Federation ceases to be a member of the Organisation, the Council of Europe should envisage initiatives to be able to continue to support and engage with human rights defenders, democratic forces, free media and independent civil society in the Russian Federation.

17. In light of the broader impact of the Russian Federation's aggression against Ukraine on European co-operation and security, the Assembly invites the Committee of Ministers to open an in-depth reflection on the means to strengthen the indispensable role of the Council of Europe in the European institutional architecture as the guardian of democracy, human rights and the rule of law and a forum for co-operation and dialogue between peaceful, independent democratic States. In this context, the Assembly reiterates its support for the organisation of a Fourth Summit of Heads of State and Government of Council of Europe member States, which would chart the way forward for the Organisation, to make it more effective and better equipped to promote democratic security and tackle the challenges ahead.

18. As regards its own work, the Assembly:

18.1. should continue to follow closely the consequences of the Russian Federation's aggression against Ukraine;

18.2. in view of the participation of Belarus in the Russian Federation's aggression against Ukraine, recommends that its Bureau suspend relations between the Assembly and the Belarusian authorities in all its activities.

19. As regards the request to provide an Opinion to the Committee of Ministers pursuant to Statutory Resolution (51) 30, the Assembly is convinced that the gravity of the actions committed by the Russian Federation and the profound breach of trust caused by them fully justify the further recourse to Article 8 of the Statute. Taking into account all of the above and that the Russian Federation committed grave violations of the Council of Europe Statute, incompatible with the status of a Council of Europe member State, does not bear its undertakings before the Council of Europe and does not comply with the commitments before it, the Assembly considers that the Russian Federation can therefore no longer be a member State of the Organisation.

20. The Assembly, therefore, is of the opinion that the Committee of Ministers should request the Russian Federation to withdraw from the Council of Europe. If the Russian Federation does not comply with the request, the Assembly suggests that the Committee of Ministers envisages the immediate possible date from which the Russian Federation would cease to be a member of the Council of Europe.

## **B. Explanatory memorandum, by Ms Ingjerd Schou, rapporteur**

### **1. Introduction**

1. Since 24 February 2022, the Russian Federation has been waging war against Ukraine, provoking thousands of civilian casualties, displacing millions of people and devastating the country. This act of aggression is launched by the leadership of the Russian Federation in pursuit of its foreign and security policy objectives, in violation of the Charter of the United Nations, the Council of Europe Statute (ETS No. 1) and the Russian Federation's obligations and commitments as a member of the Organisation.
2. The Parliamentary Assembly should stand by the Ukrainian people, upholding their right to live in an independent and sovereign State, the territorial integrity of which is respected. The Assembly should do everything in its power to obtain an immediate cessation of the hostilities and contribute to tackling the humanitarian crisis caused by the war.
3. Promptly reacting to the gravity of the events, on 25 February 2022, Tiny Kox, President of the Assembly, convened an Extraordinary Session of the Assembly on 14-15 March 2022, an exceptional decision which has been taken only twice in the history of our institution. Members of the Assembly have been convened to hold an urgent debate the consequences of the Russian Federation's aggression against Ukraine.
4. On the same day, in another historical decision, the Committee of Ministers of the Council of Europe decided to suspend the representation rights of the Russian Federation with immediate effect, pursuant to Article 8 of the Council of Europe Statute. Subsequently, on 10 March, it asked the Assembly to provide its Opinion in relation to the potential further recourse to Article 8 of the Statute, the full text of which reads: "Any member of the Council of Europe which has seriously violated Article 3 may be suspended from its rights of representation and requested by the Committee of Ministers to withdraw under Article 7. If such member does not comply with this request, the Committee may decide that it has ceased to be a member of the Council as from such date as the Committee may determine."
5. The present report, prepared under urgent procedure, aims primarily at responding to the Committee of Ministers' request. It presents arguments to help members of the Assembly adopt a well-thought-out Opinion.
6. This report does not have the pretence to provide a detailed description of the aggression against Ukraine nor an analysis of its motives and far-reaching consequences. These, however, deserve further examination by the Assembly, and will be addressed also during its next part-session. Furthermore, this report does not deal with defence issues, which are excluded from the Council of Europe mandate according to its Statute.
7. It should be clear from the outset that Russians are Europeans and belong to the Council of Europe fold. Whatever decision the Committee of Ministers will reach in relation to potential further recourse to Article 8 of the Statute, the Council of Europe should preserve channels of dialogue and continue to offer a platform to all those Russians who share its values.

### **2. The Russian Federation's aggression against Ukraine**

8. On 24 February, President Vladimir Putin launched "a special military operation" based on a request from the heads of the self-proclaimed republics of Donetsk and Luhansk, which he had recognised as "independent States" a few days earlier. The Russian President justified the "operation" as a way to ensure what he considered as the "denazification" and "denuclearisation" of Ukraine, to stop an alleged "genocide" in Eastern Ukraine, and to put an end to the war which had started in 2014.<sup>2</sup>
9. According to the Russian official narrative, the Russian Armed Forces were targeting Ukraine's military infrastructure with precision strikes which were no threat to civilians,<sup>3</sup> and all civilian casualties were provoked by Ukrainian forces who did not hesitate to use people as human shields.<sup>4</sup>
10. The "special military operation" turned out to be all-out war. The figures unfortunately increase day by day but, according to the UN, there had been at least 1 663 civilian casualties between 24 February and 12 March, including 596 deaths, although the actual number is likely much higher.<sup>5</sup> There are hundreds of

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2. [Address by the President of the Russian Federation](#), 24 February 2022.

3. [Russia News Agency](#), 1 March 2022.

4. [www.bbc.com/news/world-europe-60600487](http://www.bbc.com/news/world-europe-60600487).

thousands of internally displaced persons and over two and half million refugees. The images coming from Ukraine indicate utter devastation of civilian infrastructure. Despite the numerical disparity between the two sides, Ukrainians are mounting a fierce resistance, with scores of citizens joining the territorial defence units. President Zelenskyy has given an example of leadership, refusing the proposal to be taken out of the country. Other prominent political figures have continued to lead the fight against the invasion, putting up a united front in spite of their different political affiliations.

11. The Russian Federation's aggression against Ukraine is in breach of many international law instruments including, amongst others:

- the Charter of the United Nations, namely its Article 2.3 “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”; and Article 2.4 “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations”, as affirmed by the United Nations (UN) General Assembly;<sup>6</sup>
- the Helsinki Final Act and the Charter of Paris, as recognised by the Organization for Security and Co-operation in Europe (OSCE) Chairman-in-office, Polish Foreign Minister Zbigniew Rau.<sup>7</sup>

12. The Russian Federation's armed attack against Ukraine qualifies as aggression under Resolution 3314 (XXIX) of the United Nations General Assembly (UNGA), which defines aggression as: “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations”.<sup>8</sup>

13. As recognised by the Committee of Ministers in its decision to suspend the Russian Federation's representation rights, the Russian Federation's aggression is a serious violation of Article 3 of the Council of Europe Statute, according to which: “Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I”.

14. It is also in breach of the commitments and obligations which the Russian Federation undertook upon acceding to the Council of Europe,<sup>9</sup> namely:

- “to settle international as well as internal disputes by peaceful means (an obligation incumbent upon all member States of the Council of Europe), rejecting resolutely any forms of threats of force against its neighbours”; and
- “to denounce as wrong the concept of two different categories of foreign countries, whereby some are treated as a zone of special influence called the ‘near abroad’”.

### 3. Reactions to the aggression

15. The unfolding Russian aggression against Ukraine has been condemned by the international community, including States and international organisations such the United Nations, the European Union, the OSCE, the Organisation for Economic Co-operation and Development (OECD) and the Inter-Parliamentary Union. A strong critical stance has also been taken by other civil society actors, from international sports administration bodies to private companies to prominent cultural figures and sports personalities.

16. In the Russian Federation, however, anti-war protests are stifled. The Assembly should condemn the actions 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, the harsh repression of peaceful protests, and severe restrictions on access to social media. It should deplore the fact that, as a result, the Russian population is deprived of information from independent sources, instead being exposed only to State-controlled media that amplify a distorted narrative of the war.

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5. [Office of the UN High Commissioner for Human Rights](#).

6. UNGA Resolution on Aggression against Ukraine of 1 March 2022, [A/ES-11/L.1](#).

7. [The Reinforced Meeting of the OSCE Permanent Council at the Ministerial Level | OSCE](#).

8. UNGA Resolution 3314 (XXIX) of 14 December 1974.

9. [Assembly Opinion 193 \(1996\)](#) on Russia's request for membership in the Council of Europe.

#### 4. The involvement of Belarus

17. Belarus has played a role in the Russian aggression against Ukraine, allowing Russian troops to use its territory to transit to Ukraine, to fire ballistic missiles, to transport Russian military personnel and heavy weapons, tanks, and military transporters. It has allowed Russian military aircraft to fly over Belarusian airspace into Ukraine, provided refuelling points, and stored Russian weapons and military equipment in Belarus.<sup>10</sup>

18. Although President Lukashenko said that the Belarusian armed forces were not taking part and would not take part in Russia's military operation in Ukraine,<sup>11</sup> the referendum of 27 February 2022 not only sealed the removal from the Constitution of the reference to neutrality but also to its nuclear-free status.

19. According to the United Nations General Assembly Resolution 3314 (XXIX), “the action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State”, qualifies as an act of aggression.

20. In its Resolution on “Aggression against Ukraine” adopted on 2 March 2022,<sup>12</sup> the United Nations General Assembly “deplored the involvement of Belarus in [the] unlawful use of force against Ukraine” and called upon it “to abide by its international obligations”. The European Council also strongly condemned the involvement of Belarus in the aggression against Ukraine and called on it to refrain from such action and to abide by its international obligations.<sup>13</sup> The same day, the Committee of Ministers, condemning the active participation of Belarus in the aggression against Ukraine, invited the Secretary General to submit proposals on steps to be taken with regard to relations between the Council of Europe and Belarus.<sup>14</sup>

21. In view of the participation of Belarus in the aggression against Ukraine, I believe that the Assembly should recommend that its Bureau suspend relations between the Assembly and the Belarusian authorities in all the Assembly's activities.

#### 5. Diplomacy

22. Belarus has hosted negotiations between Ukraine and Russia. Since 24 February, the two delegations have met three times. These discussions have mainly revolved around setting up humanitarian corridors, and even this has been elusive.<sup>15</sup>

23. In addition, since the outbreak of the war, various international political figures – such as French President Emmanuel Macron and the Israeli Prime Minister Naftali Bennett – have reached out in an attempt to facilitate the end of the hostilities. The Turkish Minister of Foreign Affairs, Mevlüt Çavuşoğlu, also provided a platform for bilateral talks, inviting the Russian Foreign Minister Sergey Lavrov and its Ukrainian counterpart Dmytro Kuleba to meet in Antalya.

24. Any diplomatic effort to achieve the end of the hostilities and to address the humanitarian situation is welcome. At the time of writing, however, it is difficult to see what negotiated solution to the war could be found between the two parties.

#### 6. The humanitarian consequences

##### 6.1. The situation in Ukraine

25. War in Ukraine is provoking a high number of civilian casualties due to Russia's recourse to heavy artillery, multi-launch rocket systems and airstrikes against populated areas.<sup>16</sup> Landmines are causing victims.<sup>17</sup> The use of cluster munitions against civilian targets and thermobaric weapons has also been

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10. [Press release](#).

11. [www.reuters.com/world/belarusian-forces-will-not-take-part-ukraine-war-lukashenko-says-2022-03-04/](http://www.reuters.com/world/belarusian-forces-will-not-take-part-ukraine-war-lukashenko-says-2022-03-04/).

12. [A/ES-11/L.1](#)

13. European Council [conclusions](#), 24 February 2022. The Council also called for further individual and economic sanctions package for Belarus, which were subsequently adopted.

14. [Decision](#).

15. [www.france24.com/en/live-news/20220307-ukraine-rejects-russian-humanitarian-corridors-offer](http://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](http://www.theguardian.com/world/2022/mar/07/russia-humanitarian-corridors-ukraine-war-mariupol-kyiv).

16. Office of the UN High Commissioner for Human Rights.

17. [Guerre en Ukraine: trois morts et trois enfants blessés dans l'explosion d'une mine antipersonnel au nord de Kiev – ladepeche.fr](http://Guerre%20en%20Ukraine%3A%20trois%20morts%20et%20trois%20enfants%20bless%C3%A9s%20dans%20l'explosion%20d'une%20mine%20antipersonnel%20au%20nord%20de%20Kiev%20%E2%80%93%20ladepeche.fr).



reported.<sup>18</sup> It is a matter of grave concern that Russian troops have been laying siege to civilian areas, attacking them with continuous shelling and depriving people of electricity, heating, access to water, food and health care. All these actions should be documented and investigated as they represent serious breaches of international humanitarian law and amount to war crimes.

26. Since the outbreak of the war, the humanitarian situation in Ukraine has been rapidly deteriorating. Relentless shelling has damaged or destroyed more than 200 schools, at least 34 hospitals and more than 1 500 residential buildings,<sup>19</sup> with even a children's hospital being destroyed by Russian artillery in the besieged city of Mariupol.

27. Hundreds of thousands of people have no access to food, water, heat, shelter or electricity, with no respite in sight. Access to health care is severely limited by insecurity and the lack of basic supplies, and a potential Russian attack on Odessa, Ukraine's largest port city, could strain supplies even further. The World Food Programme projects an exponential rise in food insecurity across all areas of Ukraine,<sup>20</sup> and given the wider region's role in global wheat supply, there is great concern regarding the conflict's impact on humanitarian aid elsewhere.

28. In addition to large urban areas, the situation is 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. Even before the current military campaign, 1.1 million people were in need of food and livelihood assistance in eastern Ukraine.

29. It is a matter of grave concern that humanitarian corridors are not respected. 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 Russia and Belarus.<sup>21</sup> The Russian Federation should 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. As underlined by Tiny Kox, President of the Assembly, "the Russian Federation must ensure that humanitarian aid, medical assistance and supplies, as well as deliveries of food, reach without hindrance all those for whom they are intended, especially the most vulnerable people, including the elderly, women, children and the disabled".<sup>22</sup>

## 6.2. Displacement

30. Russia's invasion has triggered one of the fastest-growing refugee emergencies on record, according to the UN High Commissioner for Refugees (UNHCR) which has defined it as in the biggest refugee exodus seen in Europe since the Second World War. In the first week alone, more than a million refugees sought protection in neighbouring countries, and that number has since risen to over two and a half million in total as of 12 March. Humanitarian agencies estimate that if the current destruction continues, the total number of refugees may rise to four million.<sup>23</sup>

31. There were already 850 000 internally displaced persons (IDPs) in Ukraine before the start of this war, and the number is estimated to rise to 6.7 million as a result of the Russian invasion. The majority of displaced persons are women and children, causing fears of increased risks of gender-based violence and sexual exploitation and abuse.

32. The rapid influx of displaced persons is overwhelming response capacities both in western Ukraine and in neighbouring countries. Lviv is estimated to be hosting approximately 200 000 IDPs – more than a quarter of its normal population –, with the Mayor warning that the city is facing breaking point with regards to its ability to welcome those in need.<sup>24</sup>

33. Amongst neighbouring countries, Poland has been receiving the largest number of refugees, with 1 700 000 persons fleeing the war in Ukraine currently finding shelter there. Hungary is hosting 250 000 persons, the Republic of Moldova 110 000, Romania 85 000 and the Slovak Republic 200 000.<sup>25</sup>

18. [Russia admits firing thermobaric vacuum weapons in Ukraine | News | The Times](#).

19. Office of the President of Ukraine: [https://twitter.com/Podolyak\\_M/status/1500815176773341188](https://twitter.com/Podolyak_M/status/1500815176773341188).

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

21. [www.france24.com/en/live-news/20220307-ukraine-rejects-russian-humanitarian-corridors-offer](http://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](http://www.theguardian.com/world/2022/mar/07/russia-humanitarian-corridors-ukraine-war-mariupol-kyiv).

22. Statement, PACE President calls for open humanitarian corridors for all those in need in Ukraine, 3 March 2022.

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

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

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

34. 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.<sup>26</sup> 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 elderly people. At the same time, all those concerned should avoid discriminating against people fleeing from the conflict, on any grounds.

35. Council of Europe member States who are not neighbouring Ukraine should also step up their support and contribute to welcoming refugees from Ukraine. The European Union has set an example by triggering, for the first time, its 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.<sup>27</sup>

### **6.3. Funding and access for humanitarian agencies**

36. The United Nations has launched a flash appeal to fund humanitarian operations, announced the release of 20 million USD 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.<sup>28</sup> Similarly, other humanitarian organisations, such as the International Committee of the Red Cross, have asked for support to meet the needs of those affected.<sup>29</sup>

37. However, without the establishment of humanitarian corridors and relevant security guarantees, humanitarian actors will not be able to provide relief to trapped civilians and facilitate evacuations. Safe and unhindered humanitarian access across conflict lines to reach all those in need remains of pivotal importance and should be guaranteed, in line with international humanitarian law.<sup>30</sup>

## **7. Accountability**

### **7.1. Proposal to set up a special tribunal**

38. The Rome Statute of the International Criminal Court (ICC) codifies the “act of aggression” reiterating the definition set out in UNGA Resolution 3314 (XXIX),<sup>31</sup> and makes it an element of the “crime of aggression” which it defines as “the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations”.<sup>32</sup>

39. Neither the Russian Federation nor Ukraine are parties to the Rome Statute. Ukraine, however, issued a declaration accepting the ICC’s jurisdiction for crimes occurring on its territory from 21 November 2013 onwards.<sup>33</sup> This covers the crime of genocide, war crimes and crimes against humanity committed on the territory of Ukraine, as explained below. The ICC jurisdiction does not cover the crime of aggression which, in the case of non-party States, can only be investigated if referred by the Security Council.

40. In the likelihood that the Russian Federation would exercise its veto in the Security Council against a referral, an initiative has been launched aimed at setting up a special criminal tribunal to investigate and prosecute those responsible for the aggression against Ukraine. This has been supported by a number of prominent figures, including Sir Nicolas Bratza, former President of the European Court of Human Rights and Chairman of the Council of Europe’s International Advisory Panel, set up to investigate the tragic events in Odessa of May 2014.<sup>34</sup>

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26. [www.bbc.com/news/world-60555472](http://www.bbc.com/news/world-60555472);

[www.reuters.com/world/europe/poland-set-up-175-blm-fund-help-ukrainian-refugees-2022-03-07/](http://www.reuters.com/world/europe/poland-set-up-175-blm-fund-help-ukrainian-refugees-2022-03-07/).

27. [https://ec.europa.eu/home-affairs/policies/migration-and-asylum/common-european-asylum-system/temporary-protection\\_it](https://ec.europa.eu/home-affairs/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_it).

28. Mr. Amin Awad of Sudan – United Nations Crisis Coordinator for Ukraine | United Nations Secretary-General.

29. See, for example, ICRC and IFRC appeal.

30. <https://reliefweb.int/report/ukraine/joint-ingo-statement-humanitarian-protection-and-access-ukraine>.

31. Article 8 bis 2 of the Rome Statute.

32. Article 8 bis 1 of the Rome Statute.

33. Pursuant to Article 12 (3) of the Rome Statute.

34. [A criminal tribunal for aggression in Ukraine \(chathamhouse.org\)](https://www.chathamhouse.org/2022/03/a-criminal-tribunal-for-aggression-in-ukraine).

## **7.2. Investigation by the International Criminal Court**

41. On 28 February 2022, Karim Khan, 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, he announced that his Office had received referrals on the situation in Ukraine from 39 ICC States Parties – out of which 34 are Council of Europe member States – under article 14 of the Rome Statute and that, on the basis of the referrals received, he had 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 on any part of the territory of Ukraine by any person from 21 November 2013 onwards.<sup>35</sup>

## **7.3. Proceedings before the International Court of Justice**

42. 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 or the United Nations Genocide Convention. The application aims at showing 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 those false claims. Ukraine has also requested the ICJ to indicate provisional measures to prevent irreparable prejudice to the rights of Ukraine and its people.<sup>36</sup>

## **7.4. Investigation by the United Nations Human Rights Council**

43. 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.<sup>37</sup>

44. The Commission is to be constituted by three human rights experts, to be 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.

## **8. The Council of Europe response**

45. Since the outbreak of the war, the Council of Europe dialogue, composed of the President of the Assembly, the President of the Committee of Ministers and the Secretary General of the Council of Europe, has been united and crystal-clear in expressing solidarity towards Ukraine, condemning the aggression by the Russian Federation and reaffirming its support for the sovereignty, independence and territorial integrity of Ukraine within its internationally recognised borders.<sup>38</sup> On 25 February, the Committee of Ministers, after consulting the Assembly, decided to suspend the representation rights of the Russian Federation. Several Council of Europe bodies and structures are contributing to tackling the situation within their respective remits.

### **8.1. European Court of Human Rights**

46. On 28 February 2022, the European Court of Human Rights received a request from the Ukrainian Government to indicate urgent interim measures to the Government of the Russian Federation, under Rule 39 of the Rules of Court, in relation to "massive human rights violations being committed by the Russian troops in the course of the military aggression against the sovereign territory of Ukraine".<sup>39</sup>

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35. Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation ([icc-cpi.int](https://www.icc-cpi.int)).

36. Press release.

37. Human Rights Council to establish Commission of Inquiry on Ukraine | UN News, Resolution A/HRC/49/L.1.

38. <https://pace.coe.int/en/pages/ukraine>.

39. Application number 11055/22, *Ukraine v. Russia* (X), Press release.

47. On 1<sup>st</sup> March 2022, the Court indicated interim measures, asking the Russian Federation to refrain from military attacks against civilians and civilian objects, including residential premises, emergency vehicles and other specially protected civilian objects such as schools and hospitals, and to immediately ensure the safety of the medical establishments, personnel and emergency vehicles within the territory under attack or siege by Russian troops. The reality on the ground shows that the interim measures were not respected.

48. The Court also recalled the interim measure indicated on 13 March 2014 which remains in force in the context of the case *Ukraine and the Netherlands v. Russia* (nos. 8019/16, 43800/14 and 28525/20) concerning the events in eastern Ukraine calling upon the Governments of both the Russian Federation and Ukraine to comply with their engagements under the Convention.

49. With regard to the current military action which commenced on 24 February 2022 in various parts of Ukraine, the Court considered that “it gives rise to a real and continuing risk of serious violations of the Convention rights of the civilian population, in particular under Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment or punishment) and 8 (right to respect for private and family life) of the European Convention on Human Rights”.<sup>40</sup>

50. The Court has also received a number of requests for interim measures from individuals against the Government of the Russian Federation, including those taking refuge in shelters, houses and other buildings, fearing for their lives due to ongoing shelling and shooting, without or with limited access to food, healthcare, water, sanitation, electricity and other interconnected services essential for survival, in need of humanitarian assistance and safe evacuation.

51. On 4 March 2022, the Court decided that the interim measure indicated on 1<sup>st</sup> March should be considered to cover any request brought by persons falling into the above category of civilians who provided sufficient evidence showing that they face a serious and imminent risk of irreparable harm to their physical integrity and/or right to life. It also indicated the interim measure, asking the Russian Federation to ensure unimpeded access of the civilian population to safe evacuation routes, healthcare, food and other essential supplies, rapid and unconstrained passage of humanitarian aid and movement of humanitarian workers.<sup>41</sup>

## **8.2. Co-operation activities in Ukraine**

52. 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.

53. The Head and Deputy Head of the Council of Europe Office in Ukraine currently work from the European Youth Centre in Budapest, while the local staff have either decided to remain in Ukraine or have found refuge in neighbouring countries. The Secretary General of the Council of Europe had taken prompt action to ensure that Council of Europe staff who so wished, together with their families, could be evacuated to the European Youth Centre in Budapest, where they are provided accommodation and assistance.

54. The Secretary General has also asked the secretariat to prepare a package of priority measures which can be implemented immediately upon termination of the conflict. Council of Europe experience, expertise and existing networks will be central to the package, as will the needs expressed by the Ukrainian authorities.

55. Given the situation on the ground, it is not possible to evaluate the results of the ongoing Action Plan. Previous Action Plans, however, achieved considerable results with regard to contributing to the independence and impartiality of the judiciary and parliamentary supervision of the execution of European Court of Human Rights judgments; strengthening local democracy; setting up the Public Broadcaster and promoting freedom of expression; combating violence against women and domestic violence, protecting minorities and countering discrimination; tackling corruption and money laundering. Since 2014, the Council of Europe has played an important role in securing and protecting the rights of internally displaced persons.

56. As soon as conditions allow, the Council of Europe should respond to the needs indicated by the Ukrainian authorities and continue its work aimed at strengthening human rights, the rule of law and democracy in Ukraine.

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40. Idem.

41. [Press release](#).

### **8.3. The Council of Europe Development Bank**

57. Since its creation, protecting the vulnerable has been at the very core of the social mission of the Council of Europe Development Bank (CEB). The CEB has been very swift in responding to this emergency and is planning to take immediate, targeted initiatives to help CEB member States<sup>42</sup> to address the urgent needs and adequate management of the refugee flows due to the aggression against Ukraine. At the time of writing, operational contacts to this end are under way, which will make it possible to allocate grants swiftly. The grants may cover areas such as the registration of displaced persons as well as their transportation to shelters or more permanent destinations within CEB member States.

58. 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.

### **8.4. The Commissioner for Human Rights**

59. The Council of Europe Commissioner for Human Rights, Dunja Mijatović, promptly reacted to the Russian aggression against Ukraine, issuing a number of statements. To mention a few, on 7 March she urged the Russian authorities to stop the war against Ukraine as well as the unprecedented crackdown on freedoms of expression, assembly and association against human rights defenders, journalists, activists, and ordinary citizens who, in the Russian Federation, oppose the war.<sup>43</sup> She devoted her statement on International Women's Day to Ukrainian women and girls, who are caught up in a war waged with total disregard for human life and dignity.<sup>44</sup>

60. On 9 March, following an emergency three-day mission to the Republic of Moldova, including a visit at a border crossing with Ukraine, the Commissioner published a statement in which she gave account of the harrowing stories she heard from dozens of people who had fled the war in Ukraine.<sup>45</sup> She commended the efforts made by Ukraine's neighbouring countries in receiving and helping those fleeing from Ukraine, while calling on the international community to step up its assistance by urgently providing more funding and support to help neighbouring countries to scale up their response. The Commissioner underlined that, in order to protect the rights of the people fleeing Ukraine who decide to remain in the Republic of Moldova, a long-term approach will have to be adopted and strategies and integration measures envisaged in good time, including through creating opportunities for child refugees to continue their education and by offering psychological assistance to all those who need it.

61. I fully share the Commissioner's concerns. I also believe that the Commissioner's role is crucial to continue to raise awareness about the situation of those fleeing Ukraine and those who remain in Ukraine, and to support initiatives and efforts aimed at documenting human rights violations and breaches of international humanitarian law in Ukraine, including through regular contact with her networks of human rights defenders and the civil society in the country.

62. The Commissioner and her Office intend to continue to carry out missions to the borders with Ukraine in the next weeks to obtain first-hand understanding of the situation there and provide further recommendations.

### **8.5. The Special Representative of the Secretary General on Migration and Refugees**

63. 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 from Ukraine to neighbouring countries, and the challenges faced by the relevant authorities.

64. The meeting provided an overview of fast-changing developments in member States, including the need to protect women and children from abuse, exploitation and trafficking, and in particular unaccompanied children.<sup>46</sup>

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42. Ukraine is not a member of CEB. Amongst neighbouring countries, Hungary, Moldova, Poland and Romania are members: [Member countries | CEB \(coebank.org\)](https://www.cebank.org/en/about-us/member-countries).

43. [Russian authorities should stop the unprecedented crackdown on freedoms of expression, assembly and association in the country – View \(coe.int\)](#).

44. [On International Women's Day, let us stand with Ukrainian women and girls – View \(coe.int\)](#).

45. [More support urgently needed to assist people fleeing the war in Ukraine and countries of arrival, in particular the Republic of Moldova – View \(coe.int\)](#).



65. The Special Representative will explore how best the Council of Europe can respond to current needs in the framework of the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).<sup>47</sup> I strongly encourage her to continue this work.

## **9. Application of Article 8 of the Statute against the Russian Federation**

### **9.1. Suspension**

66. On 25 February 2022, following a meeting of the Joint Committee, bringing together members of the Assembly and the Committee of Ministers, the Committee of Ministers decided to suspend the representation rights of the Russian Federation with immediate effect, pursuant to Article 8 of the Council of Europe Statute. The decision was motivated by the serious breach by the Russian Federation of its obligations under Article 3 of the Statute.<sup>48</sup> On the same day, the decision was notified to the Minister of Foreign Affairs of the Russian Federation.

67. Following a separate meeting on 2 March 2022, the Committee of Ministers adopted a resolution on the legal and financial consequences of the suspension,<sup>49</sup> which clarified that the suspension covers representation in the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional authorities and their subsidiary organs and bodies, and intergovernmental committees set up on the basis of Articles 15a, 16 and 17 of the Statute.

68. The suspension does not affect the exercise of her mandate by the Council of Europe Commissioner for Human Rights, nor the functioning of the European Commission against Racism and Intolerance (ECRI), two monitoring bodies set up by Committee of Ministers' resolutions.

69. In addition, suspension does not affect the Russian Federation's position as a party to those Council of Europe conventions and agreements which it has ratified or signed without reservation in respect of ratification. In particular, the Russian Federation remains subject to its obligations under the European Convention on Human Rights. Any current and future applications introduced against or by the Russian Federation will continue to be examined and decided by the Court. The Russian Federation may continue to participate in the meetings of the Committee of Ministers only when the latter exercises its functions in respect of the supervision of the execution of judgments with a view to providing and receiving information concerning the judgments where it is the respondent or applicant State, without the right to participate in the adoption of decisions by the Committee nor to vote.

70. The suspension of the Russian Federation does not affect its right of participation in partial agreements of which it is a member.

71. Finally, the Russian Federation retains its rights and obligations attached to its position as a member State, including payment of its obligatory financial contributions to the Organisation's General Budget as well as to the budgets of those partial agreements of which it is a member.

72. In response to the Committee of Ministers' decision, the spokesperson of the Ministry of Foreign Affairs, Maria Zakharova, stated that "We will soon determine our future steps. Those who initiated and supported this faulty decision will bear full responsibility for the collapse of the common legal and humanitarian space on the continent and the disastrous consequences that the Council of Europe will inevitably face. Without Russia, the Council of Europe will lose its pan-Europe identity and eventually, its reason for existence".<sup>50</sup>

73. Despite this and other statements, at the time of writing the Russian Federation has not officially withdrawn from the Organisation. It has not, however, honoured its financial commitments, the first part of which has already become due in 2022.

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46. The Special Representative convened an extraordinary meeting of the Network of Focal Points on Migration regarding the situation of people fleeing Ukraine – News (coe.int).

47. Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).

48. Decision taken by the Ministers' Deputies at their 1426th meeting, 25 February 2022.

49. Resolution CM/Res(2022)1 on legal and financial consequences of the suspension of the Russian Federation from its rights of representation in the Council of Europe (Adopted by the Committee of Ministers on 2 March 2022 at the 1427th meeting of the Ministers' Deputies).

50. Russia to determine steps following suspension from Council of Europe – Foreign Ministry – Russia – TASS.

74. I would like to point out that the suspension is a temporary measure and is not sustainable in the long-term. Even if the Russian Federation continues to be a member of the Council of Europe and a party to Council of Europe instruments, including the European Convention on Human Rights, effective membership requires co-operation and a climate of trust, which are difficult in these circumstances.

## 9.2. Request to withdraw

75. On 10 March 2022, the Committee of Ministers decided to ask the Assembly's Opinion on the potential further use of Article 8 of the Statute.<sup>51</sup> The Assembly's Opinion is required in the context of a possible request to a member State to withdraw but is not binding on the Committee of Ministers, which remains responsible for the decision.

76. The Russian Federation's aggression against a sovereign, independent State, and the distraught caused by the heavy toll of destruction, suffering and death have provoked profound outrage. Nonetheless, the Assembly's Opinion should carefully weigh arguments in favour and against withdrawal.

77. By ceasing to be a member of the Council of Europe, the Russian Federation would also cease to be a party to all those conventions which are open only to Council of Europe member States, including the European Convention on Human Rights.

78. The most prominent argument against withdrawal is that it would deprive millions of Europeans, who live in territories subjected to the jurisdiction or *de facto* control of the Russian Federation, of the right to apply for redress to the European Court of Human Rights against Russia. It would also prevent Council of Europe member States submitting inter-State applications against the Russian Federation before the Court.

79. To balance this concern, one should consider that the effective compliance with the decisions and judgements of the European Court of Human Rights, as well as the interim measures that it may decide, depends on the genuine will of the Russian Federation to abide by its international obligations in good faith. Previous experience shows the lack of genuine will by the Russian Federation to execute key judgements of the Court, as reflected in the number of cases concerning the Russian Federation whose execution is subject to enhanced supervision by the Committee of Ministers.

80. Along the same lines, concerns may be raised as regards the possibility for Ukrainians themselves or other member States to obtain redress against the Russian Federation should the Russian Federation withdraw or be excluded from the Council of Europe. As described earlier, however, a number of international bodies such as the ICC, ICJ and the Human Rights Council have already initiated investigations into human rights violations, international humanitarian law violations and war crimes committed by the Russian Federation in Ukraine and an initiative aimed at setting up a special international criminal tribunal has been launched.

81. Yet, it is important to recall that the Council of Europe is the only pan-European organisation where both Ukraine and the Russian Federation are members, and can meet for dialogue, discussion and confrontation.

82. Since the Russian Federation joined the Council of Europe in 1996, the Assembly has spared no efforts to maintain dialogue with the Russian authorities, including at times of great tension in their relations. This is evident from the list of resolutions and recommendations adopted by the Assembly.<sup>52</sup> Experience, however, shows that the Russian Federation did not comply with any key recommendation formulated by the Assembly.

83. The Assembly should and will continue to support and promote dialogue as a means of conducting international relations and solving disputes. With the Russian Federation's aggression against Ukraine, however, it has become painfully clear that dialogue serves no purpose unless both sides are in good faith. In fact, insisting on pursuing dialogue with the hope of having an influence against incontrovertible signs to the contrary can undermine the Assembly's credibility and, ultimately, lead to complacency.

84. Furthermore, dialogue should be distinguished from membership. Unlike other international organisations such as the United Nations and the OSCE, the Council of Europe expressly provides for procedures and conditions to admit members, suspend them, ask for their withdrawal and exclude them.

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51. "Council of Europe to discuss potential further measures against Russia," Committee of Ministers of the Council of Europe, 10 March 2022.

52. See the Appendix.

85. The serious breach of the Statute and other international obligations by the Russian Federation demonstrates contempt for Council of Europe values and is of such a gravity as to justify that the Committee of Ministers ask for its withdrawal. If the unprovoked and unjustified military attack against the sovereignty, independence and territorial integrity of another member State, and its subsequent invasion do not warrant exclusion, what would? And, if the Russian Federation is allowed to remain a member, what leverage can the Council of Europe have on other member States, in cases of serious breaches of its Statute?

86. The case of Greece, who decided to leave the Council of Europe in 1969 and rejoined in 1974, shows that once there is a genuine commitment to adhere to Council of Europe values and standards it is possible for a State to come back.<sup>53</sup>

87. Even if Russian troops were withdrawn immediately, the effects of this war cannot be reversed and will remain a deep wound in the lives of many Europeans but also in the trust that the Russian authorities can expect. This is even more the case when one considers that, despite the many appeals for the cessation of hostilities and to comply with international law, the Russian leadership has persisted in its decision, showing no change of heart and reiterating its preparedness to use force to achieve its objectives.

88. Should withdrawal happen, for the Russian Federation to be able to return as a Council of Europe member on an equal footing with the others, a profound change would be necessary in the direction taken by its leadership.

## **10. Conclusions**

### ***As regards Ukraine***

89. The aggression of the Russian Federation against Ukraine is against all the values the Council of Europe stands for. Council of Europe member States and the international community as a whole should work relentlessly to achieve the cessation of the hostilities and the complete and unconditional withdrawal of the Russian troops from the territory of Ukraine. They should all stand by the Ukrainian people, upholding their right to live in an independent and sovereign State, the territorial integrity of which is respected

90. It is necessary to scale up the response to meet the humanitarian needs of people in Ukraine and outside. The establishment of safe humanitarian corridors in Ukraine is urgently needed and so is access to humanitarian agencies. The efforts deployed by Council of Europe member States neighbouring Ukraine should be commended. The international community should step up its assistance by providing more funding and support in order to help neighbouring countries to scale up their response, in the short and the long-term. Irrespective of their geographical proximity with Ukraine, all Council of Europe member States should play a role in welcoming Ukrainians and providing assistance.

91. Through its numerous bodies and institutions, and in the respect of its remit and mission, the Council of Europe should be on the frontline in providing help, assistance and expertise to Ukraine.

92. There cannot be any impunity for violations of international law, human rights and international humanitarian law currently being committed in Ukraine. Council of Europe member States and the organisation as a whole should support the investigations and proceedings which are under way in the International Criminal Court, the International Court of Justice and the special commission set up by the Human Rights Council. As long as the Russian Federation is a member of the Council of Europe, the jurisdiction of the European Court on Human Rights continues to apply.

### ***As regards the Russian Federation***

93. 1989 was a defining year for the Council of Europe. The Cold War came to an end, the Berlin wall came down and Mikhail Gorbachev, President of the Soviet Union, in his historic speech before the Parliamentary Assembly of the Council of Europe, outlined his idea of “a common European home”.

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53. [Resolution \(74\) 27](#) on the situation in Greece adopted by the Committee of Ministers on 20 September 1974, at the 236<sup>th</sup> meeting of the Ministers' Deputies; Parliamentary Assembly, Opinion presented by the Political Affairs Committee on the readmission of Greece to the Council of Europe, [Doc. 3512](#) of 27 November 1974; [Resolution \(74\) 34](#), Invitation to Greece to rejoin the Council of Europe, adopted by the Committee of Ministers on 28 November 1974.



94. Since 25 February 2022, the war waged by the Russian Federation against Ukraine has signalled the opening of a new phase in European history. The Russian Federation has chosen recourse to force over dialogue to advance its foreign policy objectives. Despite being a permanent member of the UN Security Council, it has chosen aggression, undermining peace and security. It has violated the Statute of the Council of Europe and the obligations and commitments it undertook upon becoming a member of the Organisation.

95. In the common European home, there is no place for an aggressor. In its Opinion pursuant to Statutory Resolution (51) 30, the Assembly should call on the Committee of Ministers to request the Russian Federation to withdraw from the Council of Europe.

96. For the Russian Federation to be able to return as a Council of Europe member on an equal footing with the others, a profound change is necessary. The infringements of international law and the breach of trust caused by this aggression are so serious that, if Russia wished to be a member of the Council of Europe, it should submit a new application and show its commitment to democracy, human rights and the rule of law.

### ***As regards the Council of Europe***

97. These tragic events confirm the relevance and continuous necessity of the Council of Europe as a value-based inter-governmental organisation working to promote democracy, human rights and the rule of law. The Assembly should call on Council of Europe member States to ensure the financial sustainability of the Organisation, should the Russian Federation fail to meet its financial commitments to the Council of Europe.

98. The Council of Europe should open an in-depth reflection on its role in the new historical phase created by this aggression. A new gathering of Heads of State and Government of Council of Europe member States could chart the way forward for the Organisation, to make it more effective and better equipped to promote democratic security in Europe and tackle the challenges ahead.

99. Irrespective of the decision which the Committee of Ministers will take in relation to the potential further use of Article 8, the Assembly believes that 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. Specific initiatives should be envisaged to this end, should the Russian Federation cease to be a member of the Organisation. The Council of Europe should continue to support human rights defenders, democratic forces, free media and independent civil society in the Russian Federation.

## **Appendix - List of Assembly texts on the Russian Federation since its accession to the Council of Europe**

[Resolution 2423 \(2022\)](#) “Poisoning of Alexei Navalny”

[Resolution 2422 \(2022\)](#) “Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation”

[Resolution 2375 \(2021\)](#) and [Recommendation 2202 \(2021\)](#) “The arrest and detention of Alexei Navalny in January 2021”

[Resolution 2363 \(2021\)](#) “Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation”

[Resolution 2387 \(2021\)](#) “Human rights violations committed against Crimean Tatars in Crimea”

[Resolution 2320 \(2020\)](#) “Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation”

[Resolution 2317 \(2020\)](#) and [Recommendation 2168 \(2020\)](#) “Threats to media freedom and journalists’ security in Europe”

[Resolution 2352 \(2020\)](#) and [Recommendation 2189 \(2020\)](#) “Threats to academic freedom and autonomy of higher education institutions in Europe”

[Resolution 2297 \(2019\)](#) “Shedding light on the murder of Boris Nemtsov”

[Resolution 2292 \(2019\)](#) “Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation”

[Resolution 2246 \(2018\)](#) “The crash of Polish Air Force Tu-154M transporting the Polish State delegation, on 10 April 2010 on the Russian Federation’s territory”

[Resolution 2231 \(2018\)](#) “Ukrainian citizens detained as political prisoners by the Russian Federation”

[Resolution 2198 \(2018\)](#) and [Recommendation 2119 \(2018\)](#) “Humanitarian consequences of the war in Ukraine”

[Resolution 2230 \(2018\)](#) and [Recommendation 2138 \(2018\)](#) “Persecution of LGBTI people in the Chechen Republic (Russian Federation)”

[Resolution 2132 \(2016\)](#) “Political consequences of the Russian aggression in Ukraine”

[Resolution 2112 \(2016\)](#) and [Recommendation 2090 \(2016\)](#) “The humanitarian concerns with regard to people captured during the war in Ukraine”

[Resolution 2063 \(2015\)](#) “Consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of [Resolution 2034 \(2015\)](#))”

[Resolution 2034 \(2015\)](#) “Challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation”

[Resolution 2067 \(2015\)](#) and [Recommendation 2076 \(2015\)](#) “Missing persons during the conflict in Ukraine”

[Resolution 1990 \(2014\)](#) “Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation”

[Resolution 1916 \(2013\)](#) and [Recommendation 2008 \(2013\)](#) “Georgia and Russia: the humanitarian situation in the conflict- and war-affected areas”

[Resolution 1896 \(2012\)](#) “The honouring of obligations and commitments by the Russian Federation”

[Resolution 1687 \(2009\)](#) “Reconsideration on substantive grounds of previously ratified credentials of the Russian delegation (Rule 9 of the Rules of Procedure of the Assembly)”

[Resolution 1647 \(2009\)](#) “The implementation of [Resolution 1633 \(2008\)](#) on the consequences of the war between Georgia and Russia”

[Resolution 1648 \(2009\)](#) and [Recommendation 1857 \(2009\)](#) “Humanitarian consequences of the war between Georgia and Russia”

[Resolution 1633 \(2008\)](#) and [Recommendation 1846 \(2008\)](#) “The consequences of the war between Georgia and Russia”

[Resolution 1631 \(2008\)](#) “Reconsideration on substantial grounds of previously ratified credentials of the Russian delegation”

[Resolution 1523 \(2006\)](#) “Europe's interest in the continued economic development of Russia”

[Resolution 1455 \(2005\)](#) and [Recommendation 1710 \(2005\)](#) “Honouring of obligations and commitments by the Russian Federation”

[Resolution 1402 \(2004\)](#) and [Recommendation 1678 \(2004\)](#) “The political situation in the Chechen Republic: measures to increase democratic stability in accordance with Council of Europe standards”

[Resolution 1404 \(2004\)](#) “The humanitarian situation of the Chechen displaced population”

[Recommendation 1667 \(2004\)](#) “Situation of refugees and displaced persons in the Russian Federation and some other CIS countries”

[Resolution 1315 \(2003\)](#) and [Recommendation 1593 \(2003\)](#) “Evaluation of the prospects of a political solution to the conflict in the Chechen Republic”

[Resolution 1323 \(2003\)](#) and [Recommendation 1600 \(2003\)](#) “The human rights situation in the Chechen Republic”

[Resolution 1278 \(2002\)](#) “Russia's law on religion”

[Resolution 1277 \(2002\)](#) and [Recommendation 1553 \(2002\)](#) “Honouring of obligations and commitments by the Russian Federation”

[Resolution 1270 \(2002\)](#) and [Recommendation 1548 \(2002\)](#) “Conflict in the Chechen Republic”

[Resolution 1241 \(2001\)](#) “Credentials of the delegation of the Russian Federation”

[Resolution 1240 \(2001\)](#) and [Recommendation 1498 \(2001\)](#) “Conflict in the Chechen Republic – recent developments”

[Recommendation 1499 \(2001\)](#) “Humanitarian situation of refugees and internally displaced persons (IDPs) from Chechnya”

[Resolution 1227 \(2000\)](#) and [Recommendation 1478 \(2000\)](#) “Conflict in the Chechen Republic: recent developments (follow-up to [Recommendations 1444 \(2000\)](#) and [1456 \(2000\)](#) of the Parliamentary Assembly)”

[Resolution 1221 \(2000\)](#) “Conflict in the Chechen Republic – Follow-up to [Recommendations 1444 \(2000\)](#) and [1456 \(2000\)](#) of the Parliamentary Assembly”

[Recommendation 1456 \(2000\)](#) “Conflict in the Chechen Republic – Implementation by Russia of [Recommendation 1444 \(2000\)](#)”

[Recommendation 1444 \(2000\)](#) “The conflict in Chechnya”

[Resolution 1201 \(1999\)](#) “Conflict in Chechnya”

[Recommendation 1392 \(1998\)](#) “Former embassies of the Baltic states on the territory of some Council of Europe member states”

[Opinion 193 \(1996\)](#) “Russia's request for membership of the Council of Europe”