



## Opinion 308 (2025)<sup>1</sup>

# Draft convention establishing an international claims commission for Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly considers that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts committed in and against Ukraine, including its aggression in breach of the Charter of the United Nations, as well as any violations of international humanitarian law and international human rights law. These include violations of the European Convention on Human Rights (ETS No. 5) committed up to 16 September 2022. The Russian Federation must make full reparation for all the damage, loss or injury caused by these breaches of international law to the State of Ukraine and all natural and legal persons concerned. This is in accordance with the principles of State responsibility under international law and in line with United Nations General Assembly Resolution ES-11/5 of 14 November 2022. The Assembly reiterates that many of the internationally wrongful acts committed by the Russian Federation violate *erga omnes* obligations and peremptory norms of general international law, thereby affecting the international community as a whole.

2. The Assembly has previously addressed the requirement for a compensation mechanism for Ukraine in the context of the ongoing war of aggression against the country. In its [Resolution 2482 \(2023\)](#) “Legal and human rights aspects of the Russian Federation’s aggression against Ukraine”, the Assembly called on member States to set up an international compensation mechanism for Ukraine, comprising a register of damage, a claims commission and a compensation fund. It also considered that the Council of Europe should play a leading role in setting up and managing such a mechanism. Following the establishment of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (“Register of Damage”) as an enlarged partial agreement on 12 May 2023, which became operational in 2024, the Assembly reiterated in numerous resolutions its call for the establishment of an international claims commission and an international compensation fund as the second and third components of the compensation mechanism. In [Resolution 2598 \(2025\)](#) “Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity”, the Assembly considered that the best model for establishing a claims commission would be an open Council of Europe convention, which could ensure the necessary cross-regional support while benefitting from the leadership and expertise of the Organisation. In its related [Recommendation 2294 \(2025\)](#), the Assembly called on the Committee of Ministers to work without delay towards the establishment of a claims commission for Ukraine, notably by setting up an ad hoc committee for the drafting of an open Council of Europe convention.

3. The Assembly warmly welcomes the finalisation of the draft convention establishing an international claims commission for Ukraine (“draft convention”) by the Ad hoc Committee on the Establishment of an International Claims Commission for Ukraine (CAHEC). This work followed formal negotiations held outside the Council of Europe, under the auspices of an intergovernmental negotiation committee, which included over 50 States, the European Union and the Council of Europe. The draft convention marks a further step in the Council of Europe’s global response to hold the Russian Federation accountable for its aggression against Ukraine. It creates an additional and innovative legal tool (the International Claims Commission for Ukraine, hereafter “the Commission”) to ensure that the Russian Federation bears the legal and economic consequences of all the damage caused. The Commission will complement the work of other international

---

1. *Assembly debate* on 1 October 2025 (33rd sitting) (see [Doc 16270](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Lord Richard Keen). *Text adopted by the Assembly* on 1 October 2025 (33rd sitting).



adjudicative bodies, courts or tribunals dealing with the consequences of the aggression, such as the European Court of Human Rights and the future Special Tribunal for the Crime of Aggression against Ukraine. Justice and accountability cannot be complete without reparations for the victims of the aggression: the State of Ukraine and the individual victims concerned. By establishing the Commission, the Council of Europe is supporting Ukraine in its efforts to ensure justice, redress and reconstruction, while also upholding the rule of law and the international legal order that has been blatantly breached by the Russian Federation. The Assembly commends the Council of Europe's ability to innovate and fill gaps in the international legal response to the aggression, and reiterates that any future peace settlement aimed at ending the aggression must include reparations and redress, or at least not interfere with existing mechanisms.

4. The establishment of a claims commission within the Council of Europe's institutional framework is the natural next step following the setting-up of the Register of Damage at the Reykjavik Summit in May 2023. The Assembly reiterates its full support for the Register of Damage, which has already received claims from more than 60 000 individuals across 13 categories of claims. The work of the Register of Damage will be transferred to the Commission under the terms of the draft convention, and claims will continue to be submitted to the Commission. The fact that both the Register of Damage and the Commission will be within the institutional framework of the Council of Europe will facilitate an efficient transition without any interruption to work.

5. The Assembly is satisfied that the draft convention is based on a victim-centred approach, ensuring that individuals and legal persons injured by the aggression are eligible to submit claims to the compensation mechanism, in line with the existing rules concerning the Register of Damage. Regarding the organisational structure of the Commission, the Assembly notes that it follows well-known precedents in international law. The Assembly considers that, overall, it ensures the necessary independence and impartiality of the decision-making bodies, while allowing, with certain safeguards, for the participation of Ukraine and the Russian Federation should they become members of the Commission. The Assembly further welcomes the fact that the draft convention contains specific provisions on the independence of the Commissioners, the Executive Director and the Secretariat, as well as on procedural standards such as fairness, objectivity and transparency.

6. However, the Assembly regrets that the draft convention does not provide clearer regulation of the funding of the compensation awards, their enforcement and payment. The future existence of a compensation fund is merely mentioned as a possibility in the preamble and Article 22. Without the Russian Federation participating in the Commission – a scenario which seems rather unrealistic in the current context and in light of the conditions set out in Article 28 – the effectiveness of the compensation mechanism can be called into question. Although compensation awards are a necessary step towards justice and reparations, they must be enforced and paid to individual claimants. While noting the incremental approach followed by the States involved in the negotiations on the draft convention, the Assembly urges them to work without delay towards the establishment of an international compensation fund mandated to pay compensation to successful claimants. In line with previous Assembly resolutions ([Resolution 2539 \(2024\)](#) "Support for the reconstruction of Ukraine" and [Resolution 2556 \(2024\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine") and in accordance with international law, member States and other States holding frozen Russian State assets should consider repurposing such assets for transfer to the future compensation fund.

7. The Assembly further regrets that the temporal scope of the Commission is currently limited to the damage caused by violations of international law committed on or after 24 February 2022. The Assembly has consistently recognised that the Russian Federation's war of aggression against Ukraine started on 20 February 2014 and escalated into a large-scale invasion on 24 February 2022. It therefore considers that all victims of the Russian Federation's aggression since 2014 should be entitled to compensation. The Assembly calls on the future parties to the convention to re-examine this issue and consider an amendment in this regard, as foreseen in the preamble and Article 33.2 of the draft convention.

8. The Assembly notes that Article 19 of the draft convention addresses, in very general terms, the relationship with judgments or awards by courts or tribunals and other international adjudicative bodies. Given the overlap in the jurisdiction of both the future Commission and the European Court of Human Rights for the period between 24 February 2022 and 16 September 2022, the Assembly invites the future Commission bodies to clarify this issue in their rules, in consultation with the European Court of Human Rights.

9. The Assembly recognises that the convention should aim to attract as many non-European States as possible, in order to strengthen the Commission's international legitimacy and representativeness. However, as it is a Council of Europe convention, the Assembly believes that the Statute of the Council of Europe (ETS

No. 1) and relevant Assembly resolutions should be referenced in the preamble to strengthen its legal basis and acknowledge the Organisation's leading role. The Assembly therefore recommends that the Committee of Ministers make the following amendments to the draft convention:

9.1. in the preamble, add a new fourth paragraph that would read: "Having regard to the Statute of the Council of Europe (ETS No. 1), which in its preamble underlines the pursuit of peace based upon justice and international co-operation;"

9.2. in the preamble, add a new paragraph before the current 11th paragraph that would read: "Noting that the Parliamentary Assembly of the Council of Europe, in its [Resolution 2482 \(2023\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", called on the Council of Europe member States to set up an international compensation mechanism, including a register of damage, a claims commission and a compensation fund, and that it reiterated its call to establish an international claims commission and an international compensation fund in its [Resolution 2539 \(2024\)](#) "Support for the reconstruction of Ukraine", its [Resolution 2556 \(2024\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine" and its [Resolution 2605 \(2025\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine";".

10. The Assembly is of the view that the draft convention establishing an international claims commission for Ukraine can be adopted and opened for signature as soon as possible.