

INTRODUCTORY NOTE TO DOCUMENTS ON RUSSIA'S EXCLUSION FROM
COUNCIL EUR. & U.N.H.R.C.
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Introduction

In the wake of Russia's invasion of Ukraine, states have deployed an array of tools aimed at isolating and weakening Russia, and supporting Ukraine, while avoiding direct involvement in the hostilities. These measures have included sanctions, export and import restrictions, visa bans, exclusion of Russian aircraft from states' airspace, seizure of oligarchs' property, and the provision of weapons and aid to Ukraine.¹ Many states have also worked to terminate or suspend Russia's membership or participation in international organizations. In light of Russia's aggression and widely publicized reports of human rights atrocities, its early exclusions from two key human rights institutions—the Council of Europe (CoE) and the UN Human Rights Council (HRC)—were seen as important symbolic reaffirmations of the rules-based international order.

Cessation of Russia's Membership in the Council of Europe

The CoE is an intergovernmental organization dedicated to promoting human rights, democracy, and the rule of law. States have adopted more than 200 conventions under the CoE's auspices, including the European Convention on Human Rights (ECHR). Under Article 4 of the CoE Statute, the Committee of Ministers, the organization's decision-making body composed of member states' foreign ministers, may invite any European state to join provided the state accepts, pursuant to Article 3 of the Statute, "the principles of the rule of law and . . . human rights and fundamental freedoms."

Article 7 of the Statute gives members the option to withdraw from the organization. Under Article 8, the Committee of Ministers may, by a two-thirds majority, suspend a member's "rights of representation" if the state "has seriously violated Article 3."² Article 8 further empowers the Committee of Ministers to request a member to withdraw from the organization and, ultimately, to terminate its membership. Before inviting a state to join or withdraw, the Committee first consults the Parliamentary Assembly, the CoE's deliberative body made up of representatives appointed by each member state's parliament.³

The Committee of Ministers admitted Russia to the CoE in 1996,⁴ and Russia ratified the ECHR in 1998, thereby accepting the jurisdiction of the European Court of Human Rights (European Court).⁵ Almost from the beginning, Russia had a turbulent relationship with the CoE and the European Court. The most significant strain on the relationship occurred after Russia's purported annexation of Crimea in 2014, when the Parliamentary Assembly condemned Russia's "military aggression"⁶ and suspended some participatory rights in Parliamentary Assembly bodies.⁷ Russia reacted defiantly, withholding financial contributions and even threatening to leave the CoE.⁸ The standoff ended in 2019 when the Assembly changed the rules on suspension of participatory rights and ratified the Russian delegation's credentials.⁹ The European Court, for its part, has rendered a large number of adverse judgments against Russia, and Russia's record of implementation is poor.¹⁰

Russia launched its full-scale invasion of Ukraine on February 24, 2022. The same day, the Committee of Ministers met and adopted a decision condemning the invasion.¹¹ On February 25, the Committee voted 42 to 2, with one abstention, to suspend Russia's rights of representation pursuant to Article 8, finding a "serious violation" of Article 3.¹² On March 1, the European Court issued interim measures calling on Russia to refrain from military attacks against civilians and civilian objects in Ukraine.¹³ On March 3, the Committee detailed some consequences of the loss of these rights, including by specifying the bodies in which Russia could no longer participate and clarifying that suspension did not relieve Russia of its financial obligations, nor did it end the European Court's jurisdiction over Russia.¹⁴

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On March 10, as evidence of atrocities mounted, the Committee of Ministers sought the views of the Parliamentary Assembly on “potential further use of Article 8.”¹⁵ These consultations took place on March 14 and 15. Apparently seeing the writing on the wall, Russia filed a letter with the CoE Secretary-General conveying its decision to withdraw—as Greece’s military junta had done in 1969 to successfully avoid expulsion¹⁶—and to denounce the ECHR.¹⁷ In a contemporaneous public statement, Russia asserted that “EU and NATO countries . . . see this organisation only as a means of ideological support for their military-political and economic expansion to the east and are imposing a rules-based order that is beneficial to them and that is, in fact, a game without rules.”¹⁸

In an opinion issued later on March 15, the Parliamentary Assembly found by an overwhelming margin—216 to 0 with three abstentions—that “the Russian Federation has committed serious violations of the Statute of the Council of Europe” and “can therefore no longer be a member State of the Organization.”¹⁹ It recommended that the Committee of Ministers “request the Russian Federation to immediately withdraw” or “determine the immediate possible date from which the Russian Federation would cease to be a member.”²⁰

Under Article 7 of the Statute, a member state’s withdrawal takes effect at the end of the “financial year.” As such, Russia’s membership would presumably have ended on December 31, 2022. In a consensus resolution on March 16, the Committee of Ministers noted the March 15 letter but proceeded under Article 8 to end Russia’s membership immediately, rather than wait for its withdrawal to take effect.²¹

The resolution did not explain how Article 8 could be read to permit immediate expulsion of a member that has already announced its withdrawal. Article 8 provides:

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.

On a straightforward reading of this provision, if a member seriously violates Article 3, the Committee may suspend the member and may request it to withdraw. The Committee is not obligated to take either step and it may do the former without doing the latter. The sanction of expulsion would appear to become available only if the Committee requests withdrawal and the member refuses. Conversely, if the Committee requests withdrawal and the member complies, or if the member withdraws spontaneously as Greece did, then expulsion would seem to be off the table.²² On this reading, assuming Russia’s March 15 withdrawal letter was valid, expulsion should have been unavailable and the withdrawal would have taken effect at the end of 2022. Even if Russia’s letter were somehow defective, the Committee would have needed to request a legally valid expression of Russia’s intent to withdraw, with expulsion becoming an option only if Russia failed to comply with that request.

Instead of following either of these paths, the Committee of Ministers proceeded directly to expulsion, an interpretation that seems rooted in member states’ determination not to allow Russia to exploit the rules to delay the consequences of its actions. The CoE Legal Adviser suggested such a motivation in explaining that “[o]nce the procedure [under Article 8] has been launched, the Committee of Ministers is in charge. It is not the suspended member, but only the Committee that is entitled to fix the terms, including the date of cessation of membership.”²³

Russia thus became the only state ever expelled from the CoE. On March 23, the Committee of Ministers adopted a resolution explaining some of the consequences of Russia’s non-membership, including that it could not remain a party to CoE conventions such as the ECHR that are closed to nonmembers of the CoE.²⁴

The European Court, in turn, declared that Russia would cease to be a party to the ECHR on September 16,²⁵ interpreting an ambiguous provision of the ECHR as providing a six-month period of continued party status even after a member’s expulsion from the CoE.²⁶ The European Court clarified that it remained competent to “deal with” petitions alleging violations committed before September 16.²⁷ Numerous petitions have since been filed despite dim prospects for Russia’s participation in proceedings or compliance.²⁸ In a September 16 press release, the European Court announced that Russia had ceased to be a party to the ECHR and that the office of the Russian judge had also ceased to exist.²⁹

Suspension of Russia's Rights of Membership in the Human Rights Council

In 2006, the UN General Assembly adopted Resolution 60/251, establishing the HRC as the successor to the discredited Commission on Human Rights. Resolution 60/251 sets forth the procedures under which the General Assembly elects the HRC's forty-seven member states, including the need to consider candidates' human rights records.³⁰ Paragraph 8 provides that "the General Assembly, by a two-thirds majority of the members present and voting, may suspend the rights of membership in the Council of a member . . . that commits gross and systematic violations of human rights."

In 2020, the General Assembly elected Russia to a three-year term beginning in 2021. Soon after Russia launched its full-scale invasion of Ukraine, both the General Assembly and the HRC convened urgently to discuss the situation. On March 2, the General Assembly adopted a resolution "deplor[ing] in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the [UN] Charter."³¹ On March 4, the HRC adopted a resolution "condemn[ing] in the strongest possible terms the human rights violations and abuses . . . resulting from the aggression against Ukraine by the Russian Federation," and establishing a commission of inquiry to investigate alleged Russian violations.³² The resolution also expressed grave concern at "reports of . . . gross and systematic violations and abuses of human rights" by Russia.³³ By invoking the suspension criteria in paragraph 8 of Resolution 60/251, the resolution's proponents obviously intended to send a message to the General Assembly.

In the following weeks, the General Assembly continued to debate Russia's actions. The Assembly adopted another resolution "deploring the dire humanitarian consequences of the hostilities of the Russian Federation against Ukraine" and demanding protections for civilians and humanitarian personnel.³⁴ After images emerged of apparent Russian atrocities in the Ukrainian city of Bucha and neighboring areas the first weekend of April, support within the General Assembly for suspending Russia's rights of membership in the HRC grew considerably.³⁵ On April 7, after intense lobbying by Ukraine and its supporters, the General Assembly adopted a resolution suspending Russia's rights of membership in the HRC.³⁶ Noting the HRC's grave concern about "reports of gross and systematic violations," the General Assembly echoed that concern but did not make an explicit finding that such violations had, indeed, occurred.³⁷ At 93 to 24 with fifty-eight abstentions, the affirmative votes passed the required two-thirds threshold,³⁸ but the tally was not as resounding as the General Assembly's prior two resolutions on Russia.

Russia became the second state, after Gaddafi's Libya in 2011,³⁹ to have its rights of membership suspended in the HRC. What suspension might actually mean for Russia's role on the HRC was the subject of some confusion as the vote was being prepared. According to UN Office of Legal Affairs guidance prepared during the Libya debate and widely discussed at that time and in the lead-up to the Russia suspension, a member with suspended rights remains a member but loses the privileges of membership, such as the ability to propose resolutions or amendments, vote on resolutions, or speak during dialogues and debates.

Russia responded to the suspension by withdrawing its membership.⁴⁰ Speaking shortly after the resolution's adoption, it asserted that the HRC had been "monopolized by a group of States that are using it for their own short-term aims"⁴¹ and that it could not "remain a member of an international mechanism that has become an enabler of" those states.⁴² Russia reportedly filed a letter with the President of the General Assembly formalizing its withdrawal. The following month, the General Assembly elected the Czech Republic to serve the remainder of Russia's term.⁴³

In withdrawing, Russia automatically became an observer state to the HRC, with all the rights that observers enjoy, including to negotiate and cosponsor resolutions and to speak during debates, albeit in a more limited fashion than member states. During the HRC sessions in June and September 2022, Russia exercised these rights by participating in negotiations and taking the floor frequently to defend its actions in Ukraine and cast blame on others.⁴⁴ It did not, however, attend a May 2022 special session of the HRC focused on the Ukraine situation.⁴⁵

Conclusion

The speed with which states deployed seldom-used procedures to remove or suspend a P-5 member from two key human rights institutions was a direct reflection of states' mounting outrage at Russia's conduct. CoE states even went so far as to end Russia's membership early, rather than follow the Greek precedent and wait for the withdrawal to take effect while leaving its participatory rights suspended. Given how squarely Russia's actions contravened the CoE's core principles, it is difficult to see how the organization could have maintained its integrity with Russia

remaining as a member, although some have lamented that future victims of Russian violations consequently lack access to the European Court.⁴⁶ The UN human rights machinery will no doubt continue to shine a light on Russia's violations, both in Ukraine⁴⁷ and on Russia's own territory,⁴⁸ and accountability work continues elsewhere.⁴⁹ Yet it is undeniable that something rare—the ability to render legally binding human rights judgments against a major world power—has been lost and will not easily be regained.⁵⁰

Russia's HRC suspension reinforced a message sent by the Libya suspension in 2011: notwithstanding the notoriously poor human rights records of several HRC members, some violations are so egregious that they could, in exceptional circumstances, lead to a member's suspension. While the resolution represented a stinging rebuke, its practical effect was diminished when Russia turned itself into an observer and resumed using that forum to denounce its critics, a strategy that future suspended members will surely replicate. On the other hand, by withdrawing, Russia made way for the Czech Republic to take the seat and begin casting its vote in a substantially different way than Russia would have.

For complex reasons, more than half the UN membership did not affirmatively support Russia's HRC suspension: the twenty-four “no” votes plus the fifty-eight abstentions and the eighteen states that did not vote exceeded the “yes” votes by seven.⁵¹ The abstainers included several states that speak frequently in the United Nations about the importance of human rights and territorial integrity. Perhaps aware of the bad optics, some of them took the floor to explain that they would have preferred more time to gather the facts,⁵² or to pursue dialogue within the multilateral system.⁵³ Some abstainers and opponents worried about setting a precedent that could be used against them or allies in the future.⁵⁴ This episode also seems to illustrate, at least in part, how high principle can yield to power disparities, trade dependencies, and bloc solidarity.⁵⁵ Russia is a master at exploiting these geopolitical realities to avoid or mitigate censure, especially in organizations with global membership.⁵⁶

The campaign to exclude Russia from participation in intergovernmental organizations has seen further victories, with suspensions in the UN World Tourism Organization,⁵⁷ the Organization of American States,⁵⁸ and the Organization for Economic Cooperation and Development,⁵⁹ among others.⁶⁰ Russian candidates have also struggled to win election to committees and expert bodies in the face of concerted efforts to deny them adequate support,⁶¹ and Russia's candidate to head the International Telecommunications Union lost overwhelmingly in September 2022 elections.⁶² Other intergovernmental organizations have condemned Russia's actions, particularly those that impinge upon the organization's mission.⁶³ The prospect of harsher penalties has been dampened by political dynamics within certain organizations, member states' aversion to “politicizing” technical bodies, and constitutions and rules of procedure that do not contemplate suspension or expulsion.⁶⁴ The expulsion of Russia from the CoE and the suspension of its membership rights in the HRC may represent the high-water mark for this component of the Russia isolation strategy.

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ENDNOTES

- 1 *See generally* Kristen E. Eichensehr, *United States and Allies Target Russia and Belarus with Sanctions and Other Economic Measures*, 116 AM. J. INT'L L. 614 (2022).
- 2 *See also* Statute of the Council of Europe art. 20(d), May 5, 1949, 87 U.N.T.S. 103 (two-thirds requirement).
- 3 Council Eur. Cmte. Ministers, Admission of New Members, Res. (51)30A (May 3, 1951).
- 4 Council Eur. Cmte. Ministers, Invitation to the Russian Federation to Become a Member of the Council of Europe, Res. (96) 2 (Feb. 8, 1996).
- 5 Russ. Fed'n, Declarations Appended to the Instrument of Ratification Deposited on 5 May 1998 (May 5, 1998), <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=005&codeNature=1&codePays=-RUS> (recognizing European Court's jurisdiction).
- 6 Council Eur. Parl. Ass., Recent Developments in Ukraine: Threats to the Functioning of Democratic Institutions, ¶ 14, Res. 1988 (Apr. 9, 2014).
- 7 Council Eur. Parl. Ass., Reconsideration on Substantive Grounds of the Previously Ratified Credentials of the Russian Delegation, ¶ 15, Res. 1990 (Apr. 10, 2014); Council Eur. Parl. Ass., Challenge, On Substantive Grounds,

- of the Still Unratified Credentials of the Delegation of the Russian Federation, ¶ 14, Res. 2034 (Jan. 28, 2015) (renewing suspension).
- 8 John Dalhuisen, *What is the Council of Europe For?*, OPEN DEMOCRACY (June 27, 2019), <https://www.opendemocracy.net/en/odr/what-council-europe/>.
- 9 See Council Eur. Parl. Ass., Strengthening the Decision-Making Process of the Parliamentary Assembly Concerning Credentials and Voting, ¶ 10, Res. 2287 (June 25, 2019); Council Eur. Parl. Ass., Challenge, On Substantive Grounds, of the Still Unratified Credentials of the Delegation of the Russian Federation, ¶¶ 3–5, 13, Res. 2292 (June 26, 2019). See also Dalhuisen, *supra* note 8 (describing the rule change that ended the standoff as “appeasement” towards Russia).
- 10 See Council Eur. Newsroom, *Russia Ceases to Be Party to the European Convention on Human Rights* (Sept. 16, 2022), <https://www.coe.int/en/web/portal/-/russia-ceases-to-be-party-to-the-european-convention-on-human-rights> (noting that Russia has yet to fully implement 2,129 judgments).
- 11 Council Eur. Cmte. Ministers, Situation in Ukraine, Doc. No. CM/Del/Dec(2022)1426bis/2.3 (Feb. 24, 2022).
- 12 Council Eur. Cmte. Ministers, Measures to Be Taken, Including Under Article 8 of the Statute of the Council of Europe, Doc. No. CM/Del/Dec(2022)1426ter/2.3 (Feb. 25, 2022) [Document 1, reproduced *infra*]. The “no” votes were Russia and Armenia, and the abstention was Turkey. Azerbaijan and Serbia did not vote.
- 13 *Ukr. v. Russ. (X)*, App. No. 11055/22, Interim Measure, Eur. Ct. H.R. (Mar. 1, 2022), discussed in Press Release, Eur. Ct. H.R., The European Court Grants Urgent Interim Measures in Application Concerning Russian Military Operations in Ukrainian Territory, ECHR 068 (Mar. 1, 2022), <https://hudoc.echr.coe.int/app/conversion/pdf?library=ECHR&id=003-7272764-9905947&filename=The%20Court%20grants%20urgent%20interim%20measures%20in%20application%20concerning%20Russian%20military%20operations%20on%20Ukrainian%20territory.pdf>.
- 14 Council Eur. Cmte. Ministers, Legal and Financial Consequences of the Suspension of the Russian Federation from Its Rights of Representation in the Council of Europe, ¶¶ 7, 10, Res. CM/Res(2022)1 (Mar. 2, 2022).
- 15 Council Eur. Cmte. Ministers, Consequences of the Aggression of the Russian Federation Against Ukraine, ¶ 9, Doc. No. CM/Del/Dec(2022)1428bis/2.3 (Mar. 10, 2022).
- 16 See Council Eur. Cmte. Ministers, On Greece, Res. (69)51 (Dec. 12, 1969) (noting that Greece had declared its withdrawal under Article 7 of the CoE Statute and so “there is no need to pursue the procedure for suspension under Article 8” (quotation at ¶ 5)). Greece’s withdrawal took effect on December 31, 1970 and it rejoined in 1974. Council Eur. Cmte. Ministers, Invitation to Greece to Rejoin the Council of Europe, Res. (74)34 (Nov. 28, 1974) (inviting Greece to rejoin because it “now again complies with the conditions laid down in Article 4 of the Statute” (quotation at pmb. ¶ 3)).
- 17 Jörg Polakiewicz, Council Eur. Legal Adviser, Speaking Points at the 62nd Meeting of the Committee of Legal Advisers on Public International Law (CAHDI) (Mar. 24, 2022), <https://www.coe.int/en/web/dlapil/-/62nd-meeting-of-the-committee-of-legal-advisers-on-public-international-law-cahdi>.
- 18 Russ. Fed’n, Foreign Ministry Statement on Initiating the Process for Withdrawing from the Council of Europe (Mar. 15, 2022) [Document 2, reproduced *infra*]. The CoE has apparently not made public Russia’s letter to the CoE Secretary-General.
- 19 Council Eur. Parl. Ass., Consequences of the Russian Federation’s Aggression Against Ukraine, ¶ 19, Op. No. 300 (Mar. 15, 2022) [Document 3, reproduced *infra*].
- 20 *Id.* ¶ 20.
- 21 Council Eur. Cmte. Ministers, Cessation of the Membership of the Russian Federation to the Council of Europe, Res. CM/Res(2022)2 (Mar. 16, 2022) [Document 4, reproduced *infra*].
- 22 See Kanstantsin Dzehtsiarou & Donal K. Coffey, *Suspension and Expulsion of Members of the Council of Europe: Difficult Decisions in Troubled Times*, 68 INT’L & COMP. L.Q. 443, 454 (2019).
- 23 Polakiewicz, *supra* note 17. See also Nikos Vogiatzis, “No Longer a Member State of the Organisation”: The Expulsion of Russia from the Council of Europe and Articles 7 and 8 of the Statute, ECHR BLOG (Mar. 17, 2022) <https://www.echr-blog.com/2022/03/no-longer-member-state-of-organisation.html> (elaborating a rationale for applying Article 8 to immediately expel a member notwithstanding the member’s withdrawal under Article 7).
- 24 Council Eur. Cmte. Ministers, Legal and Financial Consequences of the Cessation of Membership of the Russian Federation in the Council of Europe, ¶ 8, Res. CM/Res(2022)3 (Mar. 23, 2022) [Document 5, reproduced *infra*]. Russia’s departure from the CoE did not automatically remove it from CoE conventions open to accession by any state. *Id.*
- 25 Eur. Ct. H.R., Consequences of the Cessation of Membership of the Russian Federation to the Council of Europe in Light of Article 58 of the European Convention on Human Rights, ¶ 1 (Mar. 22, 2022) [Document 6, reproduced *infra*].
- 26 See Kanstantsin Dzehtsiarou & Laurence Helfer, *Russia and the European Human Rights System: Doing the Right Thing . . . But for the Right Legal Reason?*, EJIL: TALK! (Mar. 29, 2022), <https://www.ejiltalk.org/russia-and-the-european-human-rights-system-doing-the-right-thing-but-for-the-right-legal-reason/> (European Court chose from among three possible interpretations of ECHR Article 58).
- 27 Eur. Ct. H.R., *supra* note 25, ¶ 2.
- 28 See, e.g., *Russian Parliament Votes to Break with European Court of Human Rights*, REUTERS (June 7, 2022), <https://www.reuters.com/world/europe/russian-parliament-votes-exit-european-court-human-rights-2022-06-07/> (describing new Russian law excluding implementation of rulings issued after March 15, 2022).
- 29 Press Release, Eur. Ct. Hum. Rts., The Russian Federation Ceases to Be a Party to the European Convention on Human Rights, ECHR 286 (Sept. 16, 2022), <https://hudoc.echr.coe.int/eng-press?i=003-7435446-10180882>.
- 30 G.A. Res. 60/251, Human Rights Council, ¶¶ 7–8 (Apr. 3, 2006).
- 31 G.A. Res. ES-11/1, Aggression Against Ukraine, ¶ 2 (Mar. 2, 2022) [Document 7, reproduced *infra*]. The vote was 141 to 5, with thirty-five abstentions and twelve states not voting.
- 32 H.R.C. Res. 49/1, Situation of Human Rights in Ukraine Stemming from the Russian Aggression, ¶¶ 1, 11 (Mar. 4, 2022) (quotation at ¶ 1) [Document 8, reproduced *infra*]. The vote was 32 to 2 (Russia and Eritrea), with thirteen abstentions.

- 33 *Id.* pmb. ¶ 11.
- 34 G.A. Res. ES-11/2, Humanitarian Consequences of the Aggression Against Ukraine, pmb. ¶ 8, ¶¶ 3–7 (Mar. 24, 2022) (quotation at pmb. ¶ 8). The vote was 140 to 5, with thirty-eight abstentions and ten states not voting.
- 35 *See* Interview by Andrea Mitchell, MSNBC, with Linda Thomas-Greenfield, U.S. Ambassador to the U.N. (Apr. 7, 2022) [hereinafter Thomas-Greenfield], <https://usun.usmission.gov/ambassador-linda-thomas-greenfield-interview-with-andrea-mitchell-of-msnbc-andrea-mitchell-reports/> (U.S. ambassador asserting that a video of the Bucha atrocities “was something that really influenced the voters today”).
- 36 G.A. Res. ES-11/3, Suspension of the Rights of Membership of the Russian Federation in the Human Rights Council, ¶ 1 (Apr. 7, 2022) [Document 9, reproduced *infra*].
- 37 *Id.*, pmb. ¶¶ 2–4 (quotation at pmb. ¶ 2).
- 38 Resolution 60/251 requires a two-thirds majority of General Assembly members “present and voting” to suspend rights of membership, G.A. Res. 60/251, *supra* note 30, ¶ 8, which means “members casting an affirmative or negative vote,” ignoring abstentions, G.A. Rules Proc., Rule 86, U.N. Doc. A/520/Rev.20 (2022). Eighteen states cast no ballot.
- 39 G.A. Res. 65/265, Suspension of the Rights of Membership of the Libyan Arab Jamahiriya in the Human Rights Council (Mar. 1, 2011) (adopted by consensus).
- 40 In withdrawing, Russia followed a precedent set by the United States. *See* Jean Galbraith, *United States Withdraws from the UN Human Rights Council, Shortly After Receiving Criticism About Its Border Policy*, 112 AM. J. INT’L L. 745 (2018).
- 41 U.N. GAOR, 11th Emergency Special Sess., 10th plen. mtg. at 22, U.N. Doc. No. A/ES-11/PV.10 (Apr. 7, 2022) [Russia G.A. Vote Record]. *See also id.* (Russia suggesting that prior to the vote it had already decided to withdraw); *id.* at 24 (U.K. delegate: “that sounds like someone who has just been fired and has tendered their resignation”).
- 42 *Id.* at 23.
- 43 Press Release, U.N., Electing Czech Republic as Member of Human Rights Council, General Assembly Also Adopts Texts on Stockholm+50 Conference, Peacekeeping Operations Review, GA/12418 (May 10, 2022), <https://press.un.org/en/2022/ga12418.doc.htm>.
- 44 *See, e.g.*, H.R.C., 5th Mtg., 51st Reg. Sess. (Sept. 13, 2022), <https://media.un.org/en/asset/k14/k14ops6yiy> (Russia accusing Ukraine of atrocities and “torture of opposition members”); H.R.C., 9th Mtg., 50th Reg. Sess. (June 16, 2022), <https://media.un.org/en/asset/k1c/k1cf7qawv8> (Russia asserting that it freed Mariupol from Nazis); Press Release, O.H.C.H.R., High Commissioner for Human Rights: High Numbers of Civilian Casualties in Ukraine Raise Concerns that Attacks by Russia Are Not Complying with International Humanitarian Law (July 5, 2022), <https://www.ohchr.org/en/press-releases/2022/07/high-commissioner-human-rights-high-numbers-civilian-casualties-ukraine?sub-site=HRC> (Russia at HRC accusing U.N.’s human rights secretariat of “becom[ing] an accomplice of the Kiev regime and its Western sponsors”) (video at <https://media.un.org/en/asset/k1g/k1gfe60mm>).
- 45 Press Release, O.H.C.H.R., High Commissioner to Special Session of the Human Rights Council on Ukraine: Many of the Allegations of Violations of International Human Rights and Humanitarian Law in Ukraine May Amount to War Crimes (May 12, 2022), <https://www.ohchr.org/en/press-releases/2022/05/high-commissioner-special-session-human-rights-council-ukraine-many?sub-site=HRC>.
- 46 *See, e.g.*, Jannika Jahn, *The Council of Europe Excludes Russia: A Setback for Human Rights*, EJIL:TALK! (Mar. 23, 2022), <https://www.ejiltalk.org/the-council-of-europe-excludes-russia-a-setback-for-human-rights/> (arguing against expulsion as a penalty because “it is at least equally problematic from an individual rights perspective if legal protection is restricted precisely when it is needed most”).
- 47 *See, e.g.*, Erik Møse, Chair, Comm’n Inquiry Ukr., Update by the Chair of the Independent International Commission of Inquiry on Ukraine, at the 51st Session of the Human Rights Council (Sept. 23, 2022), <https://www.ohchr.org/en/statements/2022/09/update-chair-independent-international-commission-inquiry-ukraine-51st-session>; H.R.C. Res. S-34/1, The Deteriorating Human Rights Situation in Ukraine Stemming from the Russian Aggression (May 12, 2022).
- 48 *See, e.g.*, H.R.C. Res. 51/25, Situation of Human Rights in the Russian Federation (Oct. 7, 2022) (establishing a special rapporteur on the situation of human rights within Russia with a mandate to collect and assess information and report to the HRC in October 2023); Press Release, O.H.C.H.R., Russia: UN Expert Alarmed at Continued Targeting of Human Rights Defenders (Sept. 14, 2022), <https://www.ohchr.org/en/press-releases/2022/09/russia-un-expert-alarmed-continued-targeting-human-rights-defenders>;
- 49 *See, e.g.*, Angelika Nußberger, Org. for Sec. & Coop. Eur. [OSCE] Rapporteur, Report on Russia’s Legal and Administrative Practice in Light of Its OSCE Human Dimension Commitments, Doc. No. ODIHR.GAL/58/22/Rev.1 (Sept. 22, 2022), <https://www.osce.org/files/f/documents/7/5/526720.pdf> (making recommendations to Russia, the OSCE, and the international community aimed at protecting human rights and preserving cooperation); Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukr. v. Russ.), Request for the Indication of Provisional Measures, Order, ¶ 86, Gen. List No. 182 (Mar. 16, 2022), <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf> (International Court of Justice ordering Russia to “immediately suspend” Ukraine operations); Karim A.A. Khan Q.C., Prosecutor, Int’l Crim. Ct., Statement on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation (Mar. 2, 2022), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-receipt-referrals-39-states>.
- 50 *See* Rick Lawson, “*They Can Destroy Our Houses. But They Cannot Destroy Our Values*”: *The Response of the Council of Europe to the Russian Invasion in Ukraine*, LEIDEN LAW BLOG (Mar. 17, 2022), <https://www.leidenlawblog.nl/articles/they-may-destroy-our-houses-but-they-cannot-destroy-our-values>. For its part, the United States participates in proceedings on individual petitions at the Inter-American Commission on Human Rights, but regards the Commission’s decisions as non-binding. *See generally* OAS: Inter-American Commission on Human Rights (“IACHR”), 2020 DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW, ch. 7, § D(3) at 290–318.
- 51 Similarly, the October 2022 HRC resolution establishing a special rapporteur on Russia garnered more abstentions and “no” votes than “yes” votes. H.R.C. Res. 51/25, *supra* note 48 (seventeen in favor, six against, twenty-four abstaining). This tally represents a significant drop in affirmative support

- compared to the two Russia-specific resolutions adopted earlier in 2022. H.R.C. Res. 49/1, *supra* note 32 (thirty-two in favor, two against, thirteen abstaining); H.R.C. Res. S-34/1, *supra* note 47 (thirty-three in favor, two against, twelve abstaining).
- 52 *See, e.g.*, Russia G.A. Vote Record, *supra* note 41, at 10 (Brazil: “Only [after the commission of inquiry finishes its investigation] would the General Assembly be in a position . . . to take a responsible and informed decision on the status of Russia in the Human Rights Council.”); *accord id.* at 16 (Indonesia).
- 53 *See, e.g., id.* at 12 (Mexico: calling for “more dialogue” and asserting that “[m]ultilateral structures are strengthened through inclusion, not exclusion”); *id.* at 9 (South Africa) (similar); *id.* at 15 (Qatar) (similar). *But see* Interview by Margaret Besheer, Voice of America, with Ambassador Linda Thomas-Greenfield (Apr. 7, 2022), <https://usun.usmission.gov/ambassador-linda-thomas-greenfields-interview-with-margaret-besheer-of-voice-of-america/> (U.S. ambassador to U.N.: “[D]o we have to sit and continue to watch . . . the horror of Bucha happen over and over again, while Russia is sitting on the Human Rights Council?”).
- 54 *See, e.g.*, Russia G.A. Vote Record, *supra* note 41, at 8 (Cuba, opposing: “dangerous additional precedent”); *id.* at 11 (China, opposing for same reason); *id.* at 21 (Saudi Arabia, abstaining: “serious precedent that threatens multilateral work”); *id.* at 10 (Egypt, abstaining, “warn[ing] of [resolution’s] consequences”); *id.* at 20 (Algeria, opposing: “Any attempt to suspend any State . . . from any United Nations body is not conducive to promoting the virtues of multilateralism.”).
- 55 Sarah Joseph & Eleanor Jenkin, *The United Nations Human Rights Council: Is the United States Right to Leave this Club?*, 35 AM. U. INT’L L. REV. 75, 99–112 (2019) (examining some reasons for HRC dysfunction, including poor membership, politicization, and bloc behavior). *See also* Russia G.A. Vote Record, *supra* note 41, at 14 (India: “If India has chosen any side, it is the side of peace and an immediate end to violence.”).
- 56 *See* Colum Lynch, *Russia to U.N. Members: You’re with Us or Against Us*, FOREIGN POLICY (Apr. 6, 2022), <https://foreign-policy.com/2022/04/06/russia-un-human-rights-council/> (describing Russian letter intended to strongarm African, Asian, and Latin American states into opposing its HRC suspension); *accord* Thomas-Greenfield, *supra* note 35 (explaining how Russia threatened other states). *See also* Kristen E. Eichensehr, *Russian Invasion of Ukraine Draws Widespread—But Not Universal—Condemnation*, 116 AM. J. INT’L L. 605 (2022) (discussing why some countries have refrained from condemning Russia’s actions in Ukraine).
- 57 U.N. World Tourism Org. Gen. Ass., Consideration of the Suspension of Membership of the Russian Federation in Accordance with Article 34 of the Statutes, Doc. No. A/RES/EXT-1/5 (Apr. 27, 2022).
- 58 Org. Am. States Perm. Council, Suspension of the Status of the Russian Federation as a Permanent Observer to the Organization of American States, Doc. No. CP/RES/1195 (2374/22) (Apr. 21, 2022).
- 59 Org. for Econ. Coop. & Dev. [OECD] Secretary-General, Statement on Further Measures in Response to Russia’s Large-Scale Aggression Against Ukraine (Mar. 8, 2022), <https://www.oecd.org/newsroom/statement-from-the-oecd-council-on-further-measures-in-response-to-russia-s-large-scale-aggression-against-ukraine.htm>.
- 60 *See, e.g.*, Eur. Org. for Nuclear Rsch. [CERN] Council, Decision-Making in Respect of Renewal of the International Cooperation Agreement Between CERN and the Russian Federation, Res. CERN/3669 (June 16, 2022) (declaring intent to terminate cooperation agreement with Russia upon its expiration); Danube Comm’n, Decision of the 12th Extraordinary Session of the Danube Commission Concerning the Military Aggression by the Russian Federation Against Ukraine, Violating the Basic Principles of the Belgrade Convention, Doc. No. DC/SES-XII Extr./3 (Mar. 17, 2022), (excluding Russia from meetings until restoration of peace with Ukraine); Press Release, Int’l Council for the Exploration of the Sea [ICES], ICES Council Places a Temporary Suspension of Russian Participation in ICES Activities (Mar. 30, 2022), <https://www.ices.dk/news-and-events/news-archive/news/Pages/TemporarySuspension.aspx>.
- 61 *See, e.g.*, Press Trust of India, *Russia Loses All 4 Elections to UN Committees; Global Isolation for Moscow*, BUSINESS STANDARD (Apr. 14, 2022), https://www.business-standard.com/article/international/russia-loses-all-4-elections-to-un-committees-global-isolation-for-moscow-122041400159_1.html (reporting on losses in U.N. NGO Committee, U.N. Women Executive Board, UNICEF Executive Board, and Permanent Forum on Indigenous Issues).
- 62 Press Release, Int’l Telecomm’n Union [ITU], Member States Elect Doreen Bogdan-Martin as ITU Secretary-General (Sept. 29, 2022), <https://www.itu.int/en/mediacentre/Pages/PR-2022-09-29-ITU-SG-elected-Doreen-Bogdan-Martin.aspx> (of 172 votes cast, U.S. candidate received 139 votes to Russian candidate’s twenty-five votes).
- 63 *See, e.g.*, Int’l Atomic Energy Agency [IAEA] Bd. of Governors, The Safety, Security and Safeguards Implications of the Situation in Ukraine, ¶¶ 2–3, Doc. No. GOV/2022/55 (Sept. 15, 2022) (deploring Russia’s “persistent violent actions against nuclear facilities in Ukraine” and calling on it to stop) (quotation at ¶ 2); Int’l Civil Aviation Org. [ICAO] Council, 226th Sess., 14th Mtg., Summary of Decisions, ¶¶ 9–10, Doc. No. C-DEC 226/14 (June 28, 2022) (calling on Russia “to immediately cease its infractions of the Chicago Convention” stemming from dual registration of aircraft) (quotation at ¶ 10(b)); U.N. Educational, Scientific, and Cultural Org. [UNESCO] Exec. Bd., Impact and Consequences of the Current Situation in Ukraine in All Aspects of UNESCO’s Mandate, Doc. No. 7 X/EX/DR.2.1 Corr. (Mar. 30, 2022); Int’l Maritime Org. [IMO] Council, 35th Extraordinary Sess. (C/ES.35), Decision on Impacts on Shipping and Seafarers of the Situation in the Black Sea and Sea of Azov, ¶ 6 (Mar. 11, 2022) (demanding that Russia “cease its unlawful activities to ensure the safety and welfare of seafarers and the security of international shipping”).
- 64 *See, e.g.*, Eichensehr, *supra* note 56, at 609–10, 613 (discussing “more neutral position” of some U.N. Security Council members and how Russia’s veto has stymied real action) (quotation at 609); Henry G. Schermers & Niels M. Blokker, INTERNATIONAL INSTITUTIONAL LAW: UNITY WITHIN DIVERSITY 123–24 (6th ed. 2018) (listing the “limited number” of organizations’ constitutions with an expulsion provision (quotation at 123)).

MEASURES TO BE TAKEN, INC. UNDER ART. 8 OF THE STATUTE OF
THE COUNCIL OF EUR. (COUNCIL EUR. CMTE. MINISTERS)*
[February 25, 2022]

MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2022)1426ter/2.3

25 February 2022

1426ter meeting, 25 February 2022

2.3 Situation in Ukraine – Measures to be taken, including under Article 8 of the Statute of the Council of Europe

Decisions

The Deputies

Considering the serious violation by the Russian Federation of its obligations under Article 3 of the Statute of the Council of Europe,

Referring to their decisions on the situation in Ukraine of 24 February 2022 (CM/Del/Dec(2022)1426bis/2.3),

Following an exchange of views with the Parliamentary Assembly in the Joint Committee,

1. agreed to suspend the Russian Federation from its rights of representation in the Council of Europe in accordance with Article 8 of the Statute of the Council of Europe;
2. agreed that this suspension takes immediate effect in respect of the rights of representation of the Russian Federation in the Committee of Ministers and in the Parliamentary Assembly of the Council of Europe;
3. invited the Secretary General to notify the Russian Federation accordingly and to provide it with the legal and financial consequences of this decision.

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STATEMENT ON INITIATING THE PROCESS OF WITHDRAWING FROM
THE COUNCIL OF EUR. (RUSS. FOREIGN MINISTRY)*



Министерство иностранных дел
Российской Федерации

15.03.2022 18:34

No 515-15-03-2022

Foreign Ministry statement on initiating the process of withdrawing from the Council of Europe

EU and NATO countries have abused their majority in the Council of Europe (CE) to steadily transform this organisation into an anti-Russia policy tool, while rejecting dialogue on equal terms and refusing to abide by the principles underlying this pan-European organisation. On February 25, they adopted a discriminatory decision to suspend Russia's representation in the statutory bodies of the Council of Europe.

As such, our country will not remain part of the Council of Europe. On March 15, CE Secretary General Marija Pejcinovic-Buric was notified of the Russian Federation's withdrawal from this organisation.

Responsibility for the destruction of the common humanitarian and legal space on the continent and the consequences for the Council of Europe – which, without Russia, will lose its pan-European character – will be borne solely by those who are forcing us to take this step.

In 1996, when we joined this organisation, which was created to consolidate the unity of European peoples, it positioned itself as a depoliticised entity destined to become the humanitarian and legal fabric of Greater Europe from Lisbon to Vladivostok. Russia has always been committed to equal cooperation within the Council of Europe in the interests of its people. Over the years and through joint efforts, much has been done to build on Russian legislation and law enforcement and to strengthen the human rights system in our country, including through incorporating the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECHR) into Russian legislation.

However, the unifying potential of the Council of Europe has been destroyed by the EU and NATO countries. They see this organisation only as a means of ideological support for their military-political and economic expansion to the east and are imposing a rules-based order that is beneficial to them and that is, in fact, a game without rules. The CE institutions, including the ECHR, have been systematically used to put pressure on Russia and interfere in its internal affairs. The organisation is mired in double standards. Our desire to advance a unifying agenda in accordance with the goals and objectives of the CE Charter was vehemently rejected. In particular, all our attempts to draw attention to the plight of the people in Donbass, who have been subjected to barbaric shelling for eight years now, ran into a wall of indifference.

The organisation has, in fact, lost its multi-dimensional character and turned into an entity that aggressively imposes a neoliberal approach to human rights in violation of the principles and values enshrined in the CE Charter and the foundational conventions.

Considering what the Council of Europe has become, we part ways without regret. Our country's withdrawal from this organisation will not affect the rights and freedoms of Russian citizens. The Constitution of the Russian

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Federation does not provide lesser guarantees of them than the European Convention on Human Rights. The provisions of the core CE treaties and legal acts are incorporated in Russian legislation. Rulings of the European Court of Human Rights issued to date will remain in force provided they do not violate the Constitution of the Russian Federation

Russia is a party to the key universal international human rights treaties concluded within the UN. This includes the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and other treaties that guarantee a wider range of human rights and freedoms than regional CE documents.

As it departs the Council of Europe, Russia remains open to pragmatic and equitable interaction with members of this organisation on matters of mutual interest and within the framework of the conventions we decide to remain in.

OPINION 300 (2022) ON THE CONSEQUENCES OF THE RUSS. FED'N'S
AGGRESSION AGAINST UKR. (COUNCIL EUR. PARL. ASS.)*
[March 15, 2022]



Opinion 300 (2022)¹

Consequences of the Russian Federation's aggression against Ukraine

Parliamentary Assembly

1. In continuation of the war of aggression waged by the Russian Federation against Ukraine since 20 February 2014, as of 24 February 2022, the Russian Federation has escalated its military activities against Ukraine to unprecedented levels, causing thousands of civilian casualties, displacing millions of people and devastating the country. 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. The Assembly stands in solidarity with its Ukrainian members in these dark hours.
3. The Assembly considers that the Russian Federation's armed attack on Ukraine is in breach of the Charter of the United Nations, qualifies as a "crime against peace" under the Charter of the International Military Tribunal (Nuremberg Charter) and constitutes an "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 a blatant menace to security in Europe, following a path which also includes the act of military aggression against the Republic of Moldova and in particular the occupation of its Transnistrian region, the act of military aggression

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1. Assembly debate on 15 March 2022 (3rd and 4th sittings) (see Doc. 15477, report of the Committee on Political Affairs and Democracy, rapporteur: Ms Ingjerd Schou). Text adopted by the Assembly on 15 March 2022 (4th sitting).

against Georgia and the subsequent occupation of two of its regions in 2008, the illegal annexation of Crimea and the Russian Federation's 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 bombs, 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 that those responsible are held accountable for their actions, including the decision by the Prosecutor of the International Criminal Court to investigate the situation in Ukraine and the establishment of a special investigation commission by the United Nations Human Rights Council, and will evaluate the proposals to establish a special international criminal tribunal for war crimes committed during the war in Ukraine started by the Russian military aggression. 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 instituting proceedings against the Russian Federation concerning a dispute relating to the interpretation, application and fulfilment of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

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 about the situation of Ukrainians who have been forced to flee their country in 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 that 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 330 000, Romania 415 000 and the Slovak Republic 200 000. In this context, the Assembly welcomes the decision by the European Union to implement Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (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 in 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, ranging from international sports administration bodies to private companies and prominent cultural and sports personalities.

11. In the Russian Federation, however, anti-war protests are stifled. The Assembly condemns the measures 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 and is exposed only to State-controlled media that amplify a distorted narrative of the war.

12. These tragic events confirm the relevance of and continuing need for 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 accordance with its remit and mission, the Council of Europe should be on the front line 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 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 all mayors and local representatives who have been kidnapped, and release activists;
 - 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 their assistance to Ukraine and ensure the safe and effective operation of the humanitarian corridors;
 - 14.2. consider increasing their assistance to Ukraine in its efforts to strengthen the protection of its territory, including its airspace, in order to reduce the severe human cost and the tragic humanitarian consequences of the Russian Federation's ongoing war of aggression;
 - 14.3. step up support for Council of Europe member States which have received large numbers of Ukrainian refugees;
 - 14.4. contribute to the Ukraine Flash Appeal launched by the United Nations as well as by other organisations such as the International Committee of the Red Cross;
 - 14.5. establish schemes to facilitate access to their territories and grant protection status to persons fleeing from the war in Ukraine, including by implementing, where applicable, the European Union's temporary protection directive;
 - 14.6. avoid discrimination against refugees on any grounds, in particular ethnicity and national origin, 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;
 - 14.7. devise strategies and measures aimed at the integration of refugees, from a long-term perspective;
 - 14.8. develop and implement programmes to resettle from neighbouring countries persons who have fled from the war in Ukraine;
 - 14.9. consider further strengthening the resources of the Council of Europe Development Bank with a view to improving its capacity to address urgent needs through targeted support by means of grants and reinforcing its ability to finance long-term investment in social infrastructure in countries hosting large numbers of Ukrainian refugees;

- 14.10. 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;
- 14.11. 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 from the war in Ukraine, also relying on the Network of Focal Points on Migration, and in the framework of the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025);
- 15.3. encourages the European Court of Human Rights to consider giving priority to applications brought by Ukrainian citizens against the Russian Federation for acts committed in the temporarily occupied areas of Ukraine, taking into account the fact that these persons have no access to effective remedies against such acts at national level.
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 as 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 4th Summit of Heads of State and Government of Council of Europe member States, which would chart the way forward for the Organisation, in order to better equip it 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 has committed serious violations of the Statute of the Council of Europe that are incompatible with the status of a Council of Europe member State, does not honour its undertakings to the Council of Europe and does not comply with its commitments, 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 immediately withdraw from the Council of Europe. If the Russian Federation does not comply with the request, the Assembly suggests that the Committee of Ministers determine the immediate possible date from which the Russian Federation would cease to be a member of the Council of Europe.

RES. ON THE CESSATION OF THE MEMBERSHIP OF THE RUSS. FED'N TO THE COUNCIL EUR.
(COUNCIL EUR. CMTE. MINISTERS)*
[March 16, 2022]



MINISTERS' DEPUTIES

Resolutions

CM/Res(2022)2

16 March 2022

Resolution CM/Res(2022)2
on the cessation of the membership of the Russian Federation to the Council of Europe

(Adopted by the Committee of Ministers on 16 March 2022 at the 1428th meeting of the Ministers' Deputies)

The Committee of Ministers,

Reaffirming that the aggression of the Russian Federation against Ukraine constitutes a serious violation by the Russian Federation of its obligations under Article 3 of the Statute of the Council of Europe;

Recalling its decision of 25 February 2022 (CM/Del/Dec(2022)1426ter/2.3) by which, following an exchange of views with the Parliamentary Assembly in the Joint Committee, it decided to launch the procedure provided by Article 8 of the Statute of the Council of Europe and agreed to suspend the Russian Federation from its rights of representation in the Council of Europe, in accordance with its relevant Resolution CM/Res(2022)1 on legal and financial consequences of the suspension;

Recalling also its decision on 10 March 2022 (CM/Del/Dec(2022)1428bis/2.3) to consult the Parliamentary Assembly on potential further use of Article 8 of the Statute of the Council of Europe, and Opinion No. 300 of the Parliamentary Assembly, unanimously adopted on 15 March 2022, which considered that the Russian Federation can no longer be a member State of the Organisation;

Noting that by a communication dated 15 March 2022, the Government of the Russian Federation informed the Secretary General of its withdrawal from the Council of Europe in accordance with the Statute of the Council of Europe and of its intention to denounce the European Convention on Human Rights,

Decides, in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, that the Russian Federation ceases to be a member of the Council of Europe as from 16 March 2022.

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RES. ON LEGAL AND FINANCIAL CONSEQUENCES OF
THE CESSATION OF MEMBERSHIP OF THE RUSS. FED'N IN
THE COUNCIL EUR. (COUNCIL EUR. CMTE. MINISTERS)*
[March 23, 2022]



MINISTERS' DEPUTIES

Resolutions

CM/Res(2022)3

23 March 2022

Resolution CM/Res(2022)3 on legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe

(Adopted by the Committee of Ministers on 23 March 2022 at the 1429bis meeting of the Ministers' Deputies)

The Committee of Ministers,

Reiterating its decisions on the situation in Ukraine of 24 February 2022 (CM/Del/Dec(2022)1426bis/2.3) and again urging the Russian Federation to immediately and unconditionally cease its aggression against Ukraine;

Recalling its decision of 25 February 2022 (CM/Del/Dec(2022)1426ter/2.3) by which, following an exchange of views with the Parliamentary Assembly in the Joint Committee, it agreed to suspend the Russian Federation from its rights of representation in the Council of Europe in accordance with Article 8 of the Statute of the Council of Europe;

Recalling also its 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 on 2 March 2022 (CM/Del/Dec(2022)1427/2.5) and notified to the Russian Federation the same day by the Secretary General;

Having decided on 10 March 2022 that it remained determined to act in close co-ordination with the Parliamentary Assembly in the context of further measures to be taken in response to the serious violations by the Russian Federation of its statutory obligations as a member State of the Council of Europe and that it agreed to consult the Parliamentary Assembly on potential further use of Article 8 of the Statute (CM/Del/Dec(2022)1428bis/2.3);

Taking into consideration the Parliamentary Assembly's Opinion No. 300 unanimously adopted on 15 March 2022, in which it considered that the Russian Federation can no longer be a member State of the Organisation;

Noting, which was also stated by the Parliamentary Assembly in its Opinion, that the Council of Europe will take initiatives to support and engage with human rights defenders, democratic forces, free media and independent civil society in the Russian Federation;

Taking into consideration the Resolution of the European Court of Human Rights on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the European Convention on Human Rights adopted on 22 March 2022;

*This text was reproduced and reformatted from the text available at the Council of Europe website (visited October 4, 2022), <https://rm.coe.int/resolution-cm-res-2022-3-legal-and-financial-conss-cessation-membershi/1680a5ee99?msclkid=60a33447ab8d11ec9c8f9bc54d5831cl>.

Having regard to Article 27 of its Rules of Procedure under which a suspended member shall receive a notification from the Secretary General setting out the legal and financial consequences of a subsequent decision that it shall cease to be a member;

Having regard to the legal and financial consequences of the cessation of membership in the Council of Europe under Article 8 of its Statute set out in document CM(2022)70;

Having regard to Resolution CM/Res(2022)2 adopted on 16 March 2022 (CM/Del/Dec(2022)1428ter/2.3) in which it decided, in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, that the Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022;

Decides that this decision entails the following legal and financial consequences:

1. The Russian Federation is no longer able to lay claim to any right nor be regarded as bound by any obligation deriving from the Statute of the Council of Europe or connected with membership thereof, subject, however, to the obligations which it has assumed under that Statute in respect of any fact prior to cessation of membership in the Organisation;
2. The Russian Federation no longer has any rights of representation in the Committee of Ministers and in the Parliamentary Assembly nor in any subsidiary organs or bodies thereof;
3. The Russian Federation no longer has the right to be represented in the Congress of Local and Regional Authorities nor in any subsidiary bodies thereof;
4. Any participation by the Russian Federation in activities and programmes organised by or conferences convened by the Council of Europe is henceforth governed by the provisions in force or practices applicable to participation by non-member States. In light of the fact that the projects implemented by the Council of Europe Programme Office in Moscow have been discontinued, the conditions for maintaining the Office are no longer met;
5. The Russian Federation ceases to be a member of the following partial agreements:
 - International Co-operation Group on Drugs and Addictions (Pompidou Group)
 - Co-operation Group for the Prevention of, Protection Against, and Organisation of Relief in Major Natural and Technological Disasters (EUR-OPA)
 - European Support Fund for the Co-Production and Distribution of Creative Cinematographic and Audiovisual Works "Eurimages"
 - Enlarged Partial Agreement on Sport (EPAS)
 - Enlarged Partial Agreement on Cultural Routes
 - Enlarged Partial Agreement on the Observatory on History Teaching in Europe
 - European Audiovisual Observatory

It also ceases to be a member of the following enlarged agreement:

- European Commission for Democracy through Law (Venice Commission);
6. The Russian Federation ceases to be a member of the enlarged agreement on the Group of States against Corruption (GRECO), except when GRECO exercises its functions under the Criminal Law Convention on Corruption (ETS No. 173) with respect to the Russian Federation. The Russian Federation may continue to participate in the plenary meetings of GRECO only when the latter examines evaluation and compliance reports on the Russian Federation as foreseen in Article 8 (1) i. of the GRECO Statute with a view to providing and receiving information concerning such reports, without the right to participate in the discussion or the adoption of reports under Article 15 of the GRECO Statute, and without the right to vote;
 7. The Russian Federation shall cease to be a High Contracting Party to the European Convention on Human Rights on 16 September 2022. In line with the Resolution of 22 March 2022 of the European Court of Human

Rights, the Court remains competent to deal with applications directed against the Russian Federation in relation to acts or omissions capable of constituting a violation of the Convention provided that they occurred until 16 September 2022. The Committee of Ministers will continue to supervise the execution of the judgments and friendly settlements concerned and the Russian Federation is required to implement them. The Russian Federation is to continue to participate in the meetings of the Committee of Ministers when the latter supervises 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;

8. Without prejudice to either the preceding paragraph or the obligations placed on the High Contracting Parties to the European Convention on Human Rights by the General Agreement on the Privileges and Immunities of the Council of Europe and by the 6th Protocol thereto, the Russian Federation ceased on 16 March 2022, to be a Contracting Party to those conventions and protocols concluded in the framework of the Council of Europe that are only open to member States of the Organisation. The Russian Federation will, however, continue to be a Contracting Party to those conventions and protocols concluded in the framework of the Council of Europe, to which it has expressed its consent to be bound, and which are open to accession by non-member States. The modalities of the Russian Federation's participation in these instruments will be determined separately for each of them by the Committee of Ministers or, when appropriate, by the State Parties;

9. The Russian Federation will not be able to deposit instruments of ratification or acceptance of conventions or protocols signed before it ceased to be a member State, its signature to such conventions and protocols will be considered to be suspended;

10. The Russian Federation is bound to fulfil its full financial obligations arising out of its membership of the Council of Europe and of partial agreements, up to the date it ceased to be a member of the Organisation, including its contributions for 2022 determined on a *pro rata temporis* basis. It also remains liable for all arrears accrued at the date of termination of its membership. The Secretary General is invited to inform the Russian Federation of the amount of its financial contributions for 2022, including for convention mechanisms as appropriate.

RES. ON THE CONSEQUENCES OF THE CESSATION OF MEMBERSHIP
OF THE RUSS. FED’N TO THE COUNCIL OF EUR. IN LIGHT OF
ART. 58 EUR. CONV. H.R. (EUR. CT. H.R.)*
(March 22, 2022)



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Resolution of the European Court of Human Rights on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the European Convention on Human Rights

The European Court of Human Rights (hereinafter “the Court”), sitting in plenary session on 21 and 22 March 2022, in accordance with Rule 20 § 1 of the Rules of Court;

HAVING REGARD to the Committee of Ministers’ Decision CM/Del/Dec(2022)1426ter/2.3 of 25 February 2022 suspending the Russian Federation from its rights of representation in the Council of Europe in accordance with Article 8 of the Statute of the Council of Europe;

NOTING the communication, of the Secretary General dated 15 March 2022 to the Chair of the Committee of Ministers, of a notification of the same date by the Russian Federation of its withdrawal from the Council of Europe relying on the Statute of the Council of Europe, and of its intention to denounce the European Convention on Human Rights (hereinafter “the Convention”);

HAVING REGARD to Opinion No. 300 of the Parliamentary Assembly of the Council of Europe, adopted on 15 March 2022, which considered that the Russian Federation can no longer be a member State of the Council of Europe;

HAVING REGARD to the Committee of Ministers’ Resolution CM/Res(2022)2 of 16 March 2022 on the cessation of the membership of the Russian Federation to the Council of Europe in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, according to which the Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022;

HAVING REGARD to the decision of the President of the Court of 16 March 2022, pursuant to Rule 9 § 1 of the Rules of Court, to suspend the examination of all applications against the Russian Federation pending the Court’s consideration of the legal consequences of the Resolution CM/Res(2022)2 for the work of the Court;

CONSIDERING that the object and purpose of the Convention, as an instrument of human rights protection, call for an interpretation and application of its provisions so as to ensure practical and effective protection to those subject to the High Contracting Parties’ jurisdiction;

CONSIDERING Article 58 of the Convention;

*This text was reproduced and reformatted from the text available at the European Court of Human Rights website (visited October 4, 2022), https://echr.coe.int/Documents/Resolution_ECHR_cessation_membership_Russia_CoE_ENG.pdf.

DECLARES THAT

1. The Russian Federation ceases to be a High Contracting Party to the Convention on 16 September 2022.
2. The Court remains competent to deal with applications directed against the Russian Federation in relation to acts or omissions capable of constituting a violation of the Convention provided that they occurred until 16 September 2022.
3. The suspension of the examination of all applications against the Russian Federation pursuant to the decision of the President of the Court of 16 March 2022 is lifted with immediate effect.
4. The present Resolution is without prejudice to the consideration of any legal issue, related to the consequences of the cessation of the Russian Federation's membership to the Council of Europe, which may arise in the exercise by the Court of its competence under the Convention to consider cases brought before it.

RES. ON AGGRESSION AGAINST UKR. (U.N.G.A.)*
[March 2, 2022]

United Nations

A/RES/ES-11/1



General Assembly

Distr.: General
18 March 2022

Eleventh emergency special session

Agenda item 5

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

Resolution adopted by the General Assembly on 2 March 2022

[without reference to a Main Committee (A/ES-11/L.1 and A/ES-11/L.1/Add.1)]

ES-11/1 Aggression against Ukraine

The General Assembly,

Reaffirming the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,

Recalling the obligation of all States under Article 2 of the Charter to 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, and to settle their international disputes by peaceful means,

Recalling also the obligation under Article 2 (2) of the Charter, that all Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

Taking note of Security Council resolution [2623 \(2022\)](#) of 27 February 2022, in which the Council called for an emergency special session of the General Assembly to examine the question contained in document [S/Agenda/8979](#),

Recalling General Assembly resolution [377 A \(V\)](#) of 3 November 1950, entitled “Uniting for peace”, and taking into account that the lack of unanimity of the permanent members of the Security Council at its 8979th meeting has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

Recalling also its resolution [2625 \(XXV\)](#) of 24 October 1970, in which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and reaffirming the principles contained therein that the territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force, and that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

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Recalling further its resolution 3314 (XXIX) of 14 December 1974, 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,

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development,

Recalling the Final Act of the Conference on Security and Cooperation in Europe, signed in Helsinki on 1 August 1975, and the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (Budapest Memorandum) of 5 December 1994,

Condemning the 24 February 2022 declaration by the Russian Federation of a "special military operation" in Ukraine,

Reaffirming that no territorial acquisition resulting from the threat or use of force shall be recognized as legal,

Expressing grave concern at reports of attacks on civilian facilities such as residences, schools and hospitals, and of civilian casualties, including women, older persons, persons with disabilities, and children,

Recognizing that the military operations of the Russian Federation inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to save this generation from the scourge of war,

Endorsing the Secretary-General's statement of 24 February 2022 in which he recalled that the use of force by one country against another is the repudiation of the principles that every country has committed to uphold and that the present military offensive of the Russian Federation is against the Charter,

Condemning the decision of the Russian Federation to increase the readiness of its nuclear forces,

Expressing grave concern at the deteriorating humanitarian situation in and around Ukraine, with an increasing number of internally displaced persons and refugees in need of humanitarian assistance,

Expressing concern also about the potential impact of the conflict on increased food insecurity globally, as Ukraine and the region are one of the world's most important areas for grain and agricultural exports, when millions of people are facing famine or the immediate risk of famine or are experiencing severe food insecurity in several regions of the world, as well as on energy security,

Welcoming the continued efforts by the Secretary -General and the Organization for Security and Cooperation in Europe and other international and regional organizations to support de-escalation of the situation with respect to Ukraine, and encouraging continued dialogue,

1. *Reaffirms its commitment* to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters;
2. *Deplores in the strongest terms* the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter;
3. *Demands* that the Russian Federation immediately cease its use of force against Ukraine and to refrain from any further unlawful threat or use of force against any Member State;
4. *Also demands* that the Russian Federation immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders;
5. *Deplores* the 21 February 2022 decision by the Russian Federation related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine as a violation of the territorial integrity and sovereignty of Ukraine and inconsistent with the principles of the Charter;
6. *Demands* that the Russian Federation immediately and unconditionally reverse the decision related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine;

7. *Calls upon* the Russian Federation to abide by the principles set forth in the Charter and the Declaration on Friendly Relations;¹
8. *Calls upon* the parties to abide by the Minsk agreements and to work constructively in relevant international frameworks, including in the Normandy format and Trilateral Contact Group, towards their full implementation;
9. *Demands* all parties to allow safe and unfettered passage to destinations outside of Ukraine and to facilitate the rapid, safe and unhindered access to humanitarian assistance for those in need in Ukraine, to protect civilians, including humanitarian personnel and persons in vulnerable situations, including women, older persons, persons with disabilities, indigenous peoples, migrants and children, and to respect human rights;
10. *Deplores* the involvement of Belarus in this unlawful use of force against Ukraine, and calls upon it to abide by its international obligations;
11. *Condemns* all violations of international humanitarian law and violations and abuses of human rights, and calls upon all parties to respect strictly the relevant provisions of international humanitarian law, including the Geneva Conventions of 1949² and Additional Protocol I thereto of 1977,³ as applicable, and to respect international human rights law, and in this regard further demands that all parties ensure respect for and the protection of all medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities;
12. *Demands* that all parties fully comply with their obligations under international humanitarian law to spare the civilian population, and civilian objects, refraining from attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population, and respecting and protecting humanitarian personnel and consignments used for humanitarian relief operations;
13. *Requests* the Emergency Relief Coordinator to provide, 30 days after the adoption of the present resolution, a report on the humanitarian situation in Ukraine and on the humanitarian response;
14. *Urges* the immediate peaceful resolution of the conflict between the Russian Federation and Ukraine through political dialogue, negotiations, mediation and other peaceful means;
15. *Welcomes and urges* the continued efforts by the Secretary -General, Member States, the Organization for Security and Cooperation in Europe and other international and regional organizations to support the de -escalation of the current situation, as well as the efforts of the United Nations, including of the United Nations Crisis Coordinator for Ukraine, and humanitarian organizations to respond to the humanitarian and refugee crisis that the aggression by the Russian Federation has created;
16. *Decides* to adjourn the eleventh emergency special session of the General Assembly temporarily and to authorize the President of the General Assembly to resume its meetings upon request from Member States.

1st plenary meeting

2 March 2022

ENDNOTES

1 Resolution 2625 (XXV), annex.

2 United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

3 *Ibid.*, vol. 1125, No. 17512.

SITUATION OF H.R. IN UKR. STEMMING FROM THE RUSSIAN
AGGRESSION (U.N.H.R.C.)*
[March 4, 2022]

United Nations

A/HRC/RES/49/1



General Assembly

Distr.: General
7 March 2022

Original: English

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 1

Organizational and procedural matters

Resolution adopted by the Human Rights Council on 4 March 2022

49/1. Situation of human rights in Ukraine stemming from the Russian aggression

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the obligations of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, and to settle their international disputes by peaceful means,

Reaffirming the need to make the utmost effort to settle any conflicts and disputes between States exclusively by peaceful means and to avoid any military action and hostilities, which can only make the solution of those conflicts and disputes more difficult,

Recalling the Universal Declaration of Human Rights, relevant international human rights treaties and treaties relevant to international humanitarian law, and also the role of regional arrangements, particularly the European Convention on Human Rights,

Recalling also General Assembly resolution 3314 (XXIX) of 14 December 1974, entitled “Definition of aggression”,

Welcoming the adoption by the General Assembly of its resolution ES-11/1 on aggression against Ukraine on 2 March 2022,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ukraine within its internationally recognized borders, extending to its territorial waters, and reaffirming also that all peoples are entitled to freely determine, without external interference, their political status and to pursue their economic, social and cultural development, in accordance with international law,

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Reaffirming also the primary responsibility of States to promote, respect and protect human rights,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Strongly condemning the aggression against Ukraine by the Russian Federation,

Gravely concerned at the ongoing human rights and humanitarian crisis in Ukraine, particularly at the reports of violations and abuses of human rights and violations of international humanitarian law by the Russian Federation, including gross and systematic violations and abuses of human rights, and recognizing the strong expressions of concern made by the Secretary-General and the United Nations High Commissioner for Human Rights in their statements,

Recalling in this regard the reports of the Secretary-General and the Office of the United Nations High Commissioner for Human Rights based on the work of the human rights monitoring mission in Ukraine established in 2014,

Concerned about increasing reports of civilian casualties, including children, the forced displacement, including more than 660,000 refugees, and at damage to and destruction of residential areas, schools, cultural sites and critical civilian infrastructure, including hospitals and civilian water, sanitation and fuel supplies, caused by Russian bombing and shelling in populated areas,

Stressing the urgent need for the Russian Federation to immediately cease its military hostilities against Ukraine and for Belarus to immediately cease its support for these hostilities, for the prioritization of the protection of civilians, including those displaced, and civilian objects, and for full, timely, immediate, unhindered and safe humanitarian access, and demanding that the parties respect human rights and fully comply with their applicable obligations under international law, including international human rights law, international humanitarian law and international refugee law,

Recalling that the States members of the Human Rights Council are required to uphold the highest standards in the promotion and protection of human rights,

Deploing the suffering of people in Ukraine and reaffirming its profound solidarity with them, while stressing the importance of providing them with proper support and assistance,

Concerned at the humanitarian needs of all those fleeing from or displaced by the military hostilities,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, especially sexual and gender-based violence,

Emphasizing the important role played by the Office of the United Nations High Commissioner for Human Rights and the human rights monitoring mission in Ukraine in contributing to an objective appraisal of the situation of human rights in Ukraine,

Reaffirming that the right to freedom of opinion and expression, both online and offline, is a human right guaranteed to all, reiterating in this regard the important role of free and independent media and non-governmental organizations, and condemning any attack against journalists, media outlets, media workers and human rights defenders,

Expressing concern at the spread of disinformation, which can be designed and implemented so as to mislead and to violate and to abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information,

Underscoring the obligation on all parties to the Geneva Conventions of 12 August 1949 and to Additional Protocol I thereto of 8 June 1977, to investigate and prosecute or extradite persons alleged to have committed, or to have ordered to be committed, grave breaches of the Geneva Conventions or of Additional Protocol I thereto, as applicable,

Noting the decision by the prosecutor of the International Criminal Court to proceed in opening an investigation into the situation in Ukraine, as rapidly as possible,

Noting also the role of the International Court of Justice in settling, in accordance with international law, legal disputes submitted to it by States,

1. *Condemns in the strongest possible terms* the human rights violations and abuses and violations of international humanitarian law resulting from the aggression against Ukraine by the Russian Federation;
2. *Reaffirms* its strong commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters;
3. *Calls upon* the Russian Federation to immediately end its human rights violations and abuses and violations of international humanitarian law in Ukraine, and calls for the strict observance of all human rights and fundamental freedoms, and for the protection of civilians and critical civilian infrastructure in Ukraine;
4. *Calls for* the swift and verifiable withdrawal of Russian Federation troops and Russian-backed armed groups from the entire territory of Ukraine, within its internationally recognized borders and its territorial waters, in order to prevent further violations and abuses of human rights and violations of international humanitarian law in the country, and stresses the urgent need for the immediate cessation of military hostilities against Ukraine;
5. *Urges* immediate, safe and unhindered humanitarian access, including across conflict lines, ensuring that humanitarian assistance reaches all those in need, particularly those in vulnerable situations, that the independence and impartiality of humanitarian agencies are respected, and ensuring the protection of humanitarian personnel and medical personnel engaged exclusively in medical duties;
6. *Expresses grave concern* at the documented harm to the enjoyment of many human rights, including the rights to life, to education, and to the highest attainable standard of physical and mental health, caused by Russian shelling and bombing in populated areas;
7. *Stresses* the importance of maintaining free, open, interoperable, reliable and secure access to the Internet, and condemns unequivocally any measures that prevent or disrupt an individual's ability to receive or impart information online or offline, including partial or complete Internet shutdowns;
8. *Also stresses* that all those fleeing from the conflict in Ukraine should be protected without discrimination, including on the basis of racial, national and ethnic identity;
9. *Encourages* relevant thematic special procedure mandate holders, within their respective mandates, to pay particular attention to the situation of human rights in Ukraine;
10. *Stresses* the importance of ensuring accountability for violations and abuses of human rights and violations of international humanitarian law, and underscores the urgency of initiating a prompt, independent and impartial investigation into all alleged abuses and violations to end impunity and ensure accountability for those responsible;
11. *Decides* to urgently establish an independent international commission of inquiry, comprising three human rights experts, to be appointed by the President of the Human Rights Council for an initial duration of one year, complementing, consolidating and building upon the work of the human rights monitoring mission in Ukraine, in close coordination with the human rights monitoring mission in Ukraine and the Office of the United Nations High Commissioner for Human Rights, with the following mandate:
 - (a) To investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the aggression against Ukraine by the Russian Federation, and to establish the facts, circumstances and root causes of any such violations and abuses;
 - (b) To collect, consolidate and analyse evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international law standards, in view of any future legal proceedings;
 - (c) To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;

- (d) To identify, where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in Ukraine, with a view to ensuring that those responsible are held accountable;
- (e) To make recommendations, in particular on accountability measures, all with a view to ending impunity and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims;
- (f) To provide the Human Rights Council, at its fifty-first session, with an oral update, to be followed by an interactive dialogue, and a comprehensive written report at its fifty-second session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-seventh session;

12. *Requests* the immediate operationalization of the mandate, and requests the Secretary-General to provide all the resources necessary to enable the commission of inquiry to carry out its mandate and the resources and expertise necessary to enable the Office of the United Nations High Commissioner for Human Rights to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution, in particular in the areas of fact-finding, legal analysis and evidence-collection;

13. *Calls upon* all relevant parties and States, and encourages civil society, the media and other relevant stakeholders, to cooperate fully with the commission of inquiry to allow it to effectively fulfil its mandate, and to provide it with relevant information or documentation they may possess or come to possess, as appropriate;

14. *Calls upon* the relevant organs, bodies and agencies of the United Nations system to cooperate fully with the commission of inquiry and to respond promptly to any request made by it, including with regard to access to relevant information and documentation;

15. *Decides* to remain actively seized of the matter.

10th meeting

4 March 2022

[Adopted by a recorded vote of 32 to 2, with 13 abstentions. The voting was as follows:

In favour:

Argentina, Benin, Brazil, Côte d'Ivoire, Finland, France, Gambia, Germany, Honduras, Indonesia, Japan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mauritania, Mexico, Montenegro, Nepal, Netherlands, Paraguay, Poland, Qatar, Republic of Korea, Senegal, Somalia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Eritrea and Russian Federation

Abstaining:

Armenia, Bolivia (Plurinational State of), Cameroon, China, Cuba, Gabon, India, Kazakhstan, Namibia, Pakistan, Sudan, Uzbekistan and Venezuela (Bolivarian Republic of)]

SUSPENSION OF THE RIGHTS OF MEMBERSHIP OF
THE RUSS. FED'N IN THE H.C.R. (U.N.G.A.)*
[April 7, 2022]

United Nations

A/RES/ES-11/3



General Assembly

Distr.: General
8 April 2022

Eleventh emergency special session

Agenda item 5

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

Resolution adopted by the General Assembly on 7 April 2022

[without reference to a Main Committee (A/ES-11/L.4 and A/ES-11/L.4/Add.1)]

ES-11/3. Suspension of the rights of membership of the Russian Federation in the Human Rights Council

The General Assembly,

Recalling its resolution 60/251 of 15 March 2006, in particular paragraph 8, which states that the General Assembly may suspend the rights of membership in the Human Rights Council of a member of the Council that commits gross and systematic violations of human rights,

Taking note of Human Rights Council resolution 49/1 of 4 March 2022, in particular the grave concern of the Council regarding reports of gross and systematic violations and abuses of human rights and violations of international humanitarian law committed by the Russian Federation during its aggression against Ukraine,

Recalling its resolutions ES-11/1 of 2 March 2022 and ES-11/2 of 24 March 2022,

Expressing grave concern at the ongoing human rights and humanitarian crisis in Ukraine, in particular at the reports of violations and abuses of human rights and violations of international humanitarian law by the Russian Federation, including gross and systematic violations and abuses of human rights, recognizing the strong expressions of concern in statements by the Secretary-General and by the United Nations High Commissioner for Human Rights, and noting the latest update on the human rights situation in Ukraine by the human rights monitoring mission in Ukraine, of 26 March 2022,

1. *Decides* to suspend the rights of membership in the Human Rights Council of the Russian Federation;
2. *Also decides* to review the matter, as appropriate;
3. *Further decides* to adjourn the eleventh emergency special session of the General Assembly temporarily and to authorize the President of the General Assembly to resume its meetings upon request from Member States.

10th plenary meeting

7 April 2022

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