

# Russia's war on Ukraine: Russia ceases to be a member of the Council of Europe

The military invasion of Ukraine by the Russian Federation has pushed hundreds of thousands of people to flee the country and seek shelter in neighbouring countries. With each passing hour, the humanitarian situation is deteriorating both within and outside the country. Several Ukrainian cities have reportedly lost access to water, heating, electricity and basic supplies, while the civilian population is subject to shelling and violence. While outside Ukraine's borders, the international humanitarian community has quickly mobilised to provide support, the conflict has caused civilian casualties and destruction of hospitals, schools and other civilian infrastructure.

## Humanitarian situation

As of 16 March 2022, the United Nations Refugee Agency, UNHCR, [estimated](#) that more than 3 million people have fled from Ukraine to neighbouring countries – mainly to Poland, which alone welcomed around 2 million people, but also to Hungary, Moldova, Romania and Slovakia. Mostly women and children are seeking shelter and protection from Russia's invasion of Ukraine. As the days pass, the conflict is generating casualties, destruction and displacement within and outside Ukraine's borders, causing one of the [largest](#) European humanitarian crises in recent times. The EU has stepped in to help civilians affected by the war in Ukraine, for instance with [emergency aid](#) programmes that will cover some basic needs, assistance at the [EU borders](#), and [activation](#) of the Temporary Protection Directive (Directive 2001/55/EC). Civil society has shown great solidarity as well, to the point that some [argue](#) that this is the 'biggest show of European mobilisation in recent years'. Nevertheless, the EU institutions recognise that humanitarian needs are [expected](#) to be enormous. Even if it is difficult to verify precisely the number of deaths and injured, overall the [human costs](#) of the ongoing invasion are already too high. Faced with this humanitarian situation, the [Council of Europe](#) has taken action as well. Both Ukraine and Russia have been Council of Europe [members](#), since 1995 and 1996 respectively.

## Council of Europe measures

On 21 February 2022, the Council of Europe's Secretary-General, Marija Pejčinović Burić, strongly [condemned](#) the recognition by Russia, in violation of international law, of the 'People's Republics' of Donetsk and Luhansk. Along the same lines, a few days later, the representatives of the 47 member states of the Council of Europe held an extraordinary meeting, [urging](#) Russia 'to immediately and unconditionally cease its military operations in Ukraine'; another extraordinary meeting was convened to examine the possibility of taking appropriate measures, 'including under Article 8 of the [Statute of the Council of Europe](#)'. The latter provides for the possibility to suspend a Council of Europe member from its right of representation **in the event of serious violation** of the principles set out in Article 3. The members of the Council of Europe must accept the **principles of the rule of law, human rights and fundamental freedoms**, and 'collaborate sincerely and effectively in the realisation of the aim of the Council'. While suspension is a temporary measure, Article 8 also provides the possibility for the Committee of Ministers to decide on the expulsion of a member in the case of non-compliance with this request.

On 25 February 2022, the Council of Europe [decided](#) to adopt Article 8 measures and suspended Russia, with immediate effect, from its rights of representation in the [Committee of Ministers](#) and the Parliamentary Assembly. However, as the Council of Europe [clarified](#), Russia remained accountable under the [European Convention on Human Rights](#), and the Russian judge, [Mikhail Lobov](#), remained on the [European Court of Human Rights](#), meaning the Court would still be able to receive complaints from Russian citizens.

After that, events unfolded quickly. On 10 March, the Russian Federation declared its [intention](#) to leave the Council of Europe, though at that time it did not submit a formal declaration of withdrawal to the Council Secretary-General, as required by Article 7 of the Council [Statute](#). On 15 March, the formal notification

reached the Council Secretary-General together with a declaration of Russia's intention to denounce the European Convention on Human Rights. The same day, the Parliamentary Assembly of the Council unanimously adopted an [opinion](#) which strongly condemned the attack and deplored the '**serious violations of human rights** and international humanitarian law by the Russian Federation, including **attacks against civilian targets**, indiscriminate use of artillery, missiles, and bombing – including cluster bombs –, **attacks on humanitarian corridors** intended to allow civilians to escape from besieged towns and cities and hostage taking'. The following day, the Committee of Ministers [decided](#) that Russia would no longer be a member of the Council of Europe as of 16 March. Moreover, on 17 March, the Committee of Ministers decided to [suspend](#) certain rights of Belarus, which is not a member of the Council of Europe, because of the 'active participation of Belarus in the aggression of the Russian Federation against Ukraine'. This included, inter alia, the right of Belarus to participate as an observer to the Committee of Ministers, and the right of representation of Belarus in GRECO (the Group of States against Corruption). On the other hand, the Council stressed its commitment to enhance relations with Belarusian civil society and the opposition in exile.

## European Court of Human Rights (ECtHR)

Ukraine and the Russian Federation are state parties to the European Convention on Human Rights, and the Strasbourg-based European Court of Human Rights is the international court competent to rule on individual or state applications alleging violations of the convention. On 28 February 2022, Ukraine introduced a request before the court – application number 11055/22, *Ukraine v Russia (X)* – asking for **interim measures** against the Russian Federation. The request referred to 'massive human-rights violations being committed by the Russian troops in the course of the military aggression against the sovereign territory of Ukraine'. The following day, the court granted these measures according to [Rule 39](#) of the court's rules. According to the court's [press release](#), the decision was taken because the Russian military action against Ukraine gives rise to a **real and continuing risk of serious violations** of the civilian population's rights under the **European Convention on Human Rights**, in particular its Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment or punishment) and 8 (right to respect for private and family life). The European Court of Human Rights also asked Russia to abstain from attacking civilians, schools and hospitals, and to ensure the safety of the medical personnel and buildings within the territory under attack.

On 16 March, following the above-mentioned decision of the Committee of Ministers, the Court decided to [suspend](#) the examination of applications against Russia. The Court will further evaluate the legal consequences of the Russian departure from the Council of Europe on the Court's work.

Despite the fact that authors have defined the relations between Russia and the European Court of Human Rights as '[turbulent](#)', the current situation will severely [affect](#) Russian citizens, as they will be [deprived](#) of the protection of human rights and the jurisdiction of the Strasbourg-based Court. It is worth mentioning that in 2021 and in 2020, around a [quarter](#) of the total applications before the Court were lodged against Russia. In 2021, the Court [delivered](#) 232 judgments as regards Russia, and in 219 of them the Court found at least one violation of the European Convention on Human Rights, including violation of the prohibition of inhuman and degrading treatment, right to life, right to liberty and security and private and family life.

## European Parliament position

In its [resolution](#) of 1 March 2022, the European Parliament strongly condemned 'the Russian Federation's illegal, unprovoked and unjustified military aggression against and invasion of Ukraine'. The Parliament recalled that 'attacks against civilians and civilian infrastructure as well as indiscriminate attacks are prohibited under international humanitarian law and therefore constitute war crimes'. It called on the European Commission, the Member States and United Nations humanitarian agencies to provide humanitarian assistance to the civilian population. The Parliament took note of the numerous reports about 'violations of international humanitarian law committed by Russian troops, including indiscriminate shelling of living areas, hospitals and kindergartens', and recalled that, since 2014, more than 14 000 people have lost their lives in a 'conflict fomented by the Russian Federation in eastern Ukraine'.

*This is an update of an 'At a glance' note published on 8 March 2022.*

