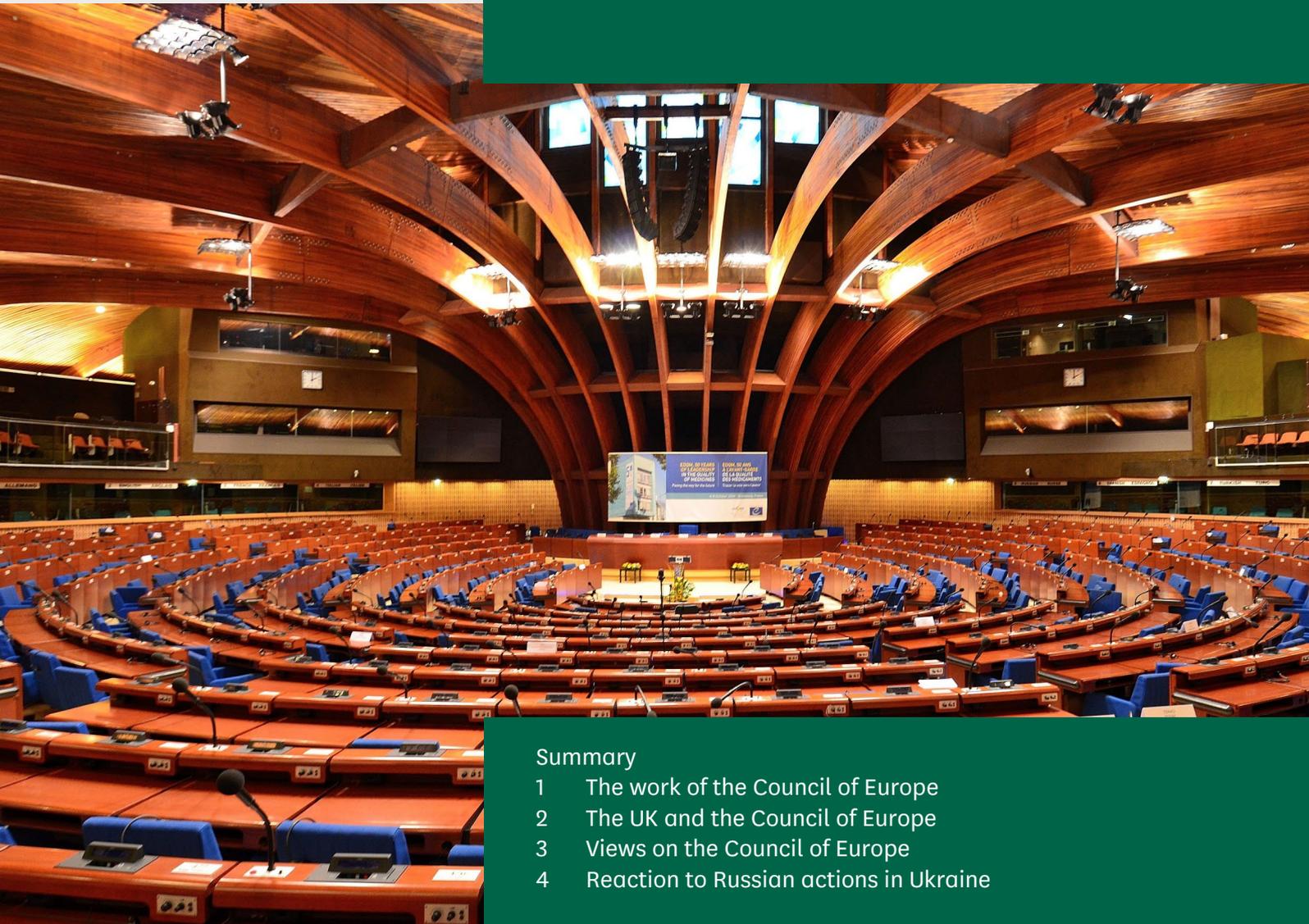


Research Briefing

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14 June 2022

Work of the Council of Europe and the expulsion of Russia



Summary

- 1 The work of the Council of Europe
- 2 The UK and the Council of Europe
- 3 Views on the Council of Europe
- 4 Reaction to Russian actions in Ukraine

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Contents

1	The work of the Council of Europe	8
1.1	Membership	8
1.2	Aims and values	9
1.3	Council of Europe structure and bodies	9
	The Committee of Ministers	10
	Other bodies	10
1.4	The Parliamentary Assembly of the Council of Europe	11
	The UK Delegation to the Parliamentary Assembly	12
1.5	The European Court of Human Rights	13
	Brighton Declaration and Protocol 15 of the ECHR	13
1.6	Monitoring bodies	14
	The Commissioner for Human Rights	15
1.7	Achievements	15
2	The UK and the Council of Europe	17
2.1	Review of Human Rights Act	17
3	Views on the Council of Europe	19
3.1	Value of human rights work	19
3.2	Difficulties in addressing human rights concerns in Member States	19
	Position on Russia	20
4	Reaction to Russian actions in Ukraine	21
4.1	Suspension from PACE in 2019	21
4.2	Expulsion of Russia in 2022	21
4.3	Suspension of relations with Belarus in 2022	23

Summary

The Council of Europe (CoE) was [established in 1949](#), to promote democracy and protect human rights and the rule of law in Europe.

Membership

Ten member states, including the UK, were founding signatories of the CoE statute in 1949. The CoE expanded following the end of Communism in Central and Eastern Europe in the 1990s. It currently comprises [46 Member States](#). Its membership was reduced by one in March 2022 when Russia was expelled [following its invasion of Ukraine](#) (see below).

Council of Europe conventions and bodies

The CoE promotes democracy and human rights through a range of international treaties and conventions. It has adopted more than [200 treaties, conventions and protocols](#), many of which are open to non-member states. Its best-known convention is the European Convention on Human Rights (ECHR). The [European Court of Human Rights](#) oversees how the Convention is implemented.

The CoE also monitors Member States' progress in upholding its human rights standards and specific conventions through independent expert monitoring bodies, which undertake country visits and issue recommendations.

The Committee of Ministers

The Committee of Ministers (CM) is the Council of Europe's statutory decision-making body. It is made up of the Ministers for Foreign Affairs of member states. The Committee meets at ministerial level once a year and at Deputies' level (Permanent Representatives to the Council of Europe) weekly.

The Parliamentary Assembly of the Council of Europe

The Parliamentary Assembly of the Council of Europe (PACE) is composed of 324 representatives (with an equal number of substitutes) appointed by the national parliaments of the CoE's 46 member States.

PACE meets four times a year for a week-long plenary session in Strasbourg. It adopts non-binding opinions and recommendations, relating to developments in specific countries or the member states as a whole.

The UK Delegation to the Parliamentary Assembly [comprises 36 Members of the House of Commons and House of Lords](#) (18 Representatives and 18 Substitutes). MPs comprise around 70% of the Delegation, and Peers around 30%.

The UK and the Council of Europe

The UK was instrumental in establishing the Council of Europe in 1949, and continues to play an active role in all parts of the organisation.

The UK and the ECHR

Some MPs have raised concerns about the impact of the European Convention on Human Rights (ECHR), and interpretations by British courts since the [Human Rights Act 1998](#) incorporated the rights set out in the Convention into UK law. The UK Government has previously sought changes to the role of the European Court of Human Rights, and its relationship with domestic courts. These resulted in [some reform proposals being adopted by the CoE in 2012](#).

The Government launched an [independent review of the Human Rights Act](#) in December 2020. Following the review, the Government said it would introduce a new UK Bill of Rights, which would “[continue to respect the UK’s international obligations as a party to the Convention](#)”. It also said it would continue to support further reforms to the European Court of Human Rights, as well as to the wider system of the Convention. The Government confirmed its intention to proceed with this plan in the [Queen’s Speech on 10 May 2022](#).

Expulsion of Russia

On 25 February 2022, the day after Russia’s invasion of Ukraine, the Committee of Ministers met and [agreed to suspend Russia](#) from its rights to representation in the CoE. This was under Article 8 of the Statute of the Council of Europe providing for suspension and exclusion of member states.

On 15 March, the Parliamentary Assembly issued an opinion that the Committee of Ministers [should request Russia immediately withdraw from the Council of Europe](#), and that it should otherwise expel it. On the same day the Russian Government said it would be withdrawing from the CoE. It would also be withdrawing from the European Convention on Human Rights. However, the Committee of Ministers [decision on 16 March 2022](#) provided that Russia would cease to be a member of the Council of Europe from that day.

Russia [will cease to be a party to the ECHR](#) on 16 September 2022. This is in accordance with the six months' notice period for denunciation set out in [Article 58 of the Convention](#) (pdf).

The Russian delegation had previously been suspended from PACE in 2014, following the Russian occupation of the Crimea. Russia subsequently [halted its membership payments and threatened to leave the CoE altogether](#), before returning to the Assembly in 2019.

Suspension of cooperation with Belarus

A Committee of Ministers decision on 17 March also [suspended Council of Europe cooperation with Belarus](#). Belarus has never been a member of the Council of Europe, partly because its continuing use of the death penalty would breach a condition of membership. However, Belarus has joined some Council of Europe agreements and participated in some CoE bodies.

1 The work of the Council of Europe

The Council of Europe (CoE) is an international organisation based in Strasbourg, to promote democracy and protect human rights and the rule of law in Europe. The treaty establishing the [statute of the Council of Europe](#) was signed in London in 1949, initially by ten countries including the UK. Winston Churchill had [proposed a Council of Europe in a speech in Zurich](#) in 1946.

The CoE promotes democracy and human rights through a range of international treaties and conventions. It has adopted more than [200 treaties, conventions and protocols](#), many of which are open to non-member states. Its best-known convention is the European Convention on Human Rights (ECHR). The [European Court of Human Rights](#) oversees how the Convention is implemented. The CoE also monitors Member States' progress in upholding its human rights standards through a set independent expert monitoring bodies

1.1 Membership

By the beginning of 2022, the Council of Europe comprised 47 Member States¹, including the UK and all 27 Member States of the European Union. It also included some former Soviet states, including Russia and Ukraine. However, its membership was reduced to 46 following the [expulsion of Russia in March 2022](#) (see below). Belarus was not a member of the Council of Europe, but [was involved in some CoE bodies](#) prior to March 2022. This [participation was also suspended in March 2022](#).

The CoE has five Observer States: Canada, The Holy See, Japan, Mexico and the United States. In addition, Israel is an Observer to the Parliamentary Assembly of the Council of Europe.²

¹ The 46 members states of the Council of Europe are (following the expulsion of Russia in March 2022): Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom

² See Council of Europe, [46 Member States](#), accessed 10 June 2022

1.2

Aims and values

Article 3 of the [Statute of the Council of Europe](#) states that all members of the CoE must “accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms”.

All CoE Member States must:

1. adhere to the CoE’s aims and principles as set out in the [Statute of the Council of Europe](#)
2. commit to ratifying or acceding to the European Convention on Human Rights and other CoE human rights instruments; and
3. agree to the jurisdiction of the European Court of Human Rights.

The Council of Europe’s website stresses its values of human rights, democracy and rule of law. It explains:

The Council of Europe advocates freedom of expression and of the media, freedom of assembly, equality, and the protection of minorities. It has launched campaigns on issues such as child protection, online hate speech, and the rights of the Roma, Europe’s largest minority. The Council of Europe helps member states fight corruption and terrorism and undertake necessary judicial reforms. Its group of constitutional experts, known as the Venice Commission, offers legal advice to countries throughout the world.

The Council of Europe promotes human rights through international conventions, such as the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on Cybercrime. It monitors member states’ progress in these areas and makes recommendations through independent expert monitoring bodies. Council of Europe member states no longer apply the death penalty.³

1.3

Council of Europe structure and bodies

The CoE is headed by a Secretary-General, who is responsible for the strategic planning and direction of the Council’s work programme and budget. The Secretary-General is elected by the Parliamentary Assembly (see below) for a five-year term. There is also a separately-elected deputy Secretary-General.

The current Secretary-General is [Marija Pejčinović Burić](#), former deputy prime minister and foreign affairs minister of Croatia. She was elected in June 2019.

³ See Council of Europe, [Values](#) and [Videos](#) (see [Inside the Council of Europe video](#)), accessed 10 June 2022

The two key bodies overseeing the work of the Council of Europe are the Committee of Ministers (see below) and the Parliamentary Assembly (see section 1.4).

The Committee of Ministers

The Committee of Ministers (CM) is the Council of Europe's statutory decision-making body. Its role and functions are broadly defined in Chapter IV of the [Statute](#) of the Council of Europe. It is made up of the Ministers for Foreign Affairs of member states. The Committee meets at ministerial level once a year and at Deputies' level (Permanent Representatives to the Council of Europe) weekly. The conduct of meetings is governed by the Statute and Rules of Procedure. The Deputies are assisted by a Bureau, rapporteur groups, thematic coordinators and ad hoc working parties.

The Presidency of the CM rotates among the member states every six months. From May to November 2022 it is held by Iceland.

The CM's [webpage](#) explains that it is “both a governmental body where national approaches to European problems are discussed on an equal footing and a forum to find collective responses to these challenges”. It is also acts, alongside the Parliamentary Assembly, as “the guardian of the Council's fundamental values”, monitoring member states' compliance with their obligations.⁴

Article 15 of the CoE statute provides that the CM “shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters”. These can take the form of recommendations to the governments of members.

Article 20 sets out voting procedures, which vary depending on the matter being voted. Voting can be by simple majority, two-thirds majority (either of CM representatives voting or of those entitled to sit on the CM) or by unanimity.⁵

Other bodies

Other Council of Europe bodies include the [Congress of Local and Regional Authorities](#), and the [Conference of International Non Governmental Organisations](#).

The Congress for Local and Regional Authorities has two chambers, a Chamber of Local Authorities and a Chamber of Regions. – and three committees. It brings together 612 elected officials representing more than 150000 local and regional authorities. It is responsible for evaluating the application of [The European Charter of Local Self-Government](#) in member

⁴ Council of Europe, Committee of Ministers, [About the Committee of Ministers](#), accessed 10 June 2022

⁵ See also the [Rules of Procedure](#) of the Committee of Ministers

states. The Charter has been ratified by all Council of Europe members, and lays down standards for protecting the rights of local authorities and requires states which have ratified it to comply with a number of principles. The Congress also periodically observes local and regional elections in CoE member states.

The [Conference of International Non Governmental Organisations](#) brings together more than 400 international NGOs. The Conference facilitates the participation of organised civil society in the work of the Council of Europe.

The Venice Commission

Another influential Council of Europe body is The European Commission for Democracy through Law. This is better known as the Venice Commission as it meets in Venice. It is the Council of Europe's advisory body on constitutional matters, and provides legal advice to its member states⁶ on compliance with international standards in the fields of democracy, human rights and the rule of law.⁷

1.4

The Parliamentary Assembly of the Council of Europe

The Parliamentary Assembly of the Council of Europe (PACE) was established in 1949 and is the deliberative body of the Council of Europe. It is composed of 324 representatives (with an equal number of substitutes) appointed by the national parliaments of the CoE's 46 member States.

Although its texts are not binding, PACE holds governments to account over human rights and democratic standards, and the 46 CoE governments must give a collective reply. It provides a forum for debate on Europe's political and social issues, and describes itself as "the democratic conscience of Greater Europe". It sees itself as the driving force in extending European co-operation to all democratic states throughout Europe.

PACE meets four times a year for a week-long plenary session in Strasbourg. Different policy, political and organisational themes are covered by [relevant Committees and sub-Committees](#). Members of PACE organise themselves in transnational political groupings.

The Assembly's work is prepared by the 10 committees and by the Bureau comprising the President of the Assembly, the 20 Vice-Presidents, the chairs of the five political groups and the committee Chairpersons. The Assembly adopts three types of texts: recommendations (to the Committee of

⁶ The Commission has 61 member states: the 46 Council of Europe member states plus [15 other countries](#), including Brazil, Canada, Israel, South Korea and the USA. Other states have observer status.

⁷ See Council of Europe, [Venice Commission](#), accessed 10 June 2022.

Ministers), resolutions (which express its own viewpoint) and opinions (on membership applications, draft treaties and other texts submitted by the Committee of Ministers).

The PACE website provides more details on the [origins and history](#) of the Parliamentary Assembly.

PACE has [powers](#) to do the following:

- Demand action from 46 European governments, who must jointly reply
- Conduct probes to uncover new facts about human rights violations
- Question Presidents and Prime Ministers on any topic it chooses
- Observe elections and send delegations to mediate in crisis hot-spots
- Negotiate the terms on which states join the Council of Europe
- Inspire new national laws by proposing and giving opinions on treaties
- Request legal opinions on the laws and constitutions of member states
- Sanction a member State by recommending its exclusion or suspension.⁸

The UK Delegation to the Parliamentary Assembly

The UK Delegation to the Parliamentary Assembly comprises 36 Members of the House of Commons and House of Lords (18 Representatives and 18 Substitutes). Appointment to the Delegation is a matter for the political parties represented, which should reflect as closely as possible the party balance in the House of Commons at the most recent General Election. MPs comprise around 70% of the Delegation, and Peers around 30%. The Assembly sets a minimum requirement towards gender balance on national delegations. A list of the [members of the UK delegation](#) can be found on the Parliamentary Assembly website.

⁸ Council of Europe, Parliamentary Assembly, [The powers of the Assembly](#), accessed 10 June 2022

1.5

The European Court of Human Rights

The [European Court of Human Rights](#) oversees the implementation of the CoE's European Convention on Human Rights (ECHR) in the Member States. Individuals from any Member State can bring complaints of alleged human rights violations to the Court once all possibilities of appeal have been exhausted in the Member State concerned. The jurisdiction of the Court is mandatory under Article 32 ECHR, which states that its jurisdiction "shall extend to all matters concerning the interpretation of the Convention and the protocols thereto", and that "in the event of dispute as to whether the Court has jurisdiction, the Court shall decide".

All CoE Member States have ratified or acceded to the ECHR, thereby accepting the compulsory jurisdiction of the Court. The fundamental principle governing the obligations of States Party to the ECHR is set out in Article 46(1), which states "The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties". The Court cannot amend national law or 'disapply' it; that is for States to do, if necessary, to comply with their treaty obligations.

The number of judges on the Court is normally the same as that of the States Parties to the Convention. The judges are elected by the Parliamentary Assembly of the Council of Europe from lists of three candidates proposed by each State. They are elected for a non-renewable term of nine years.

Brighton Declaration and Protocol 15 of the ECHR

The UK hosted a high level conference on the future of the European Court in April 2012 while holding the presidency of the rotating CoE Committee of Ministers. This resulted in the Brighton Declaration, which set out proposals for taking greater account of the primary responsibility of national authorities for ensuring implementation of the convention (the subsidiarity principle). Rules on admissibility of cases to the Court would be reformed, applying the doctrine of the [margin of appreciation](#) (the space for manoeuvre given to national authorities in fulfilling their obligations). Cases would not be heard by the Court if the complaint had been considered by a domestic court applying Convention rights unless they raised a serious question regarding the interpretation or application of the Convention. The Court would still be expected to hear cases of allegations of serious violations of Convention rights or major points of interpretation of the Convention. Time limits for submitting claims would also be introduced.⁹

Following on from this, the Committee of Ministers agreed [Protocol 15 of the ECHR](#), which introduces a references to the principle of subsidiarity and the

⁹ See UK Government, [Brighton Declaration on ECHR reform adopted](#), 20 April 2012; and High Level Conference on the Future of the European Court of Human Rights, [Brighton Declaration](#), 20 April 2012 (pdf). See also Commons Library briefing paper, [The UK and Reform of the European Court of Human Rights](#), 30 April 2012

doctrine of the margin of appreciation. It also reduces from six to four months the time-limit within which an application may be made to the Court following the date of a final domestic decision. This entered into force in August 2021, after signature and ratification by all member states.

1 Further reading

See section 8 of Commons Library briefing paper, [What is the Council of Europe?](#), 27 July 2017

1.6 Monitoring bodies

The Council of Europe has established several bodies to monitor progress by its members in upholding standards of democracy and of safeguarding of human rights. Some of these have been established to monitor compliance with specific CoE conventions.

Monitoring bodies are led by independent experts, conduct country visits and publish country reports. The monitoring bodies identify areas of non-compliance and address recommendations to the member states.

Among the monitoring bodies established, are the following. The CoE website provides [further details](#) on the work of each body:

- [Group of States against Corruption](#) (GRECO)
- [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CPT)
- [Group of Experts on Action against Trafficking in Human Beings](#) (GRETA)
- [Group of Experts on Action against Violence against Women and Domestic Violence](#) (GREVIO)
- [Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#) (Lanzarote Committee)
- [European Commission for the Efficiency of Justice](#) (CEPEJ)
- [Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism](#) (MONEYVAL)
- [European Commission against Racism and Intolerance](#) (ECRI)
- [European Committee of Social Rights](#) (ECSR)

- [Advisory Committee on the Framework Convention for the Protection of National Minorities](#)
- [Committee of Experts of the European Charter for Regional or Minority Languages](#)

The Commissioner for Human Rights

In addition to these monitoring bodies, the CoE also [created the office of Commissioner for Human Rights in 1999](#) to promote awareness of and respect for human rights in the Council of Europe member states.

The role of the Commissioner involves observing how human rights are being protected across the member states, identifying possible shortcomings in the law and practice concerning human rights, and working with and facilitating the work of human rights bodies in the member states. The Commissioner undertakes country visits, and also conducts thematic work on particular human rights issues across the member states.

The Commissioner is elected by the Parliamentary Assembly of the Council of Europe from a list of three candidates drawn up by the Committee of Ministers, and serves a non-renewable term of office of six years. The current Commissioner for Human Rights is [Dunja Mijatović](#), a national of Bosnia and Herzegovina, elected in January 2018.

1.7

Achievements

The CoE's website outlines the Council of Europe's main achievements in the following areas:

- Abolition of the death penalty, a pre-condition for accession to the CoE.
- Strengthening of human rights, for example through the CoE's independent monitoring mechanisms.
- Anti-discrimination and the fight against racism, both through CoE conventions and monitoring mechanisms.
- Upholding freedom of expression, for example through the case law of the Court of Human Rights.
- Promoting gender equality, through CoE conventions, including the Convention on preventing and combating violence against women.
- Protection of children's rights, notably through the Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse.
- Defence of cultural diversity, through CoE programmes, networks and conventions.

- Election observation, through the Parliamentary Assembly and Congress of Local and Regional Authorities observation activities, which help to guarantee democratic, free and fair elections throughout the continent.
- Education in human rights and democracy, for example through the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, and at Council of Europe's European Youth Centres.
- Contributing to ensuring quality of medicines and healthcare, through the Council of Europe's European Directorate for the Quality of Medicines & HealthCare.¹⁰

¹⁰ Council of Europe, [Achievements](#), accessed 10 June 2022

2

The UK and the Council of Europe

The UK was instrumental in establishing the Council of Europe in 1949 and in drafting one of its principal instruments: the European Convention on Human Rights. The UK continues to play an active role in all parts of the organisation. The [webpage](#) of the UK delegation to the CoEU explains that:

We increase the effectiveness of the Council of Europe (CoE) and the UK's influence within it to make the CoE better able to protect the UK's goals in Europe on improving human rights, democracy and respect for the rule of law.¹¹

The Government reaffirmed its commitment to the Council of Europe in a [debate in the House of Lords on 24 July 2019](#). Speaking for the Government, Minister of State at the Foreign Office Lord Ahmad of Wimbledon stressed the importance of the CoE “to the freedom of 830 million people, across 47 member states, and ... for the future of the rules-based international order.” He said the Government supported the CoE “because too often we witness a disregard for democratic structures that, while sometimes imperfect, provide incredible anchors to fundamental principles of human rights and the rule of law”. He added, that the CoE would continue to be important to the UK human rights and foreign policy agenda, and UK engagement would not be diminished by UK exit from the EU.¹²

Similarly, in a [debate in the House of Commons on 18 April 2018](#), then Minister for Europe and the Americas Alan Duncan said that the Government recognised and appreciated the valuable role the CoE plays “in advancing work on human rights, democracy and the rule of law across Europe.” He said the CoE would “become more important to us” as the UK left the EU, and continued to provide “a platform to pursue common values and aspirations, alongside our many and continuing European friends”.¹³

2.1

Review of Human Rights Act

Previous concerns from the UK government about cases going to the European Court of Human Rights that could be dealt with by national courts, and the lengthy wait for cases to be heard caused by the huge backlog at the

¹¹ UK Government, [UK and the Council of Europe](#), accessed 10 June 2022

¹² [HL Deb 24 July 2019 c809](#)

¹³ [HC Deb 18 April 2018 c134WH](#)

Court led to proposals for reform at the Brighton Conference in 2012. These eventually resulted in the adoption Protocol 15 of the ECHR¹⁴ (see section 1.5).

Concerns however have continued about the way in which rights under the ECHR are interpreted by UK courts. The [Human Rights Act 1998](#) incorporated the rights set out in the Convention into UK law. These rights previously applied in the UK, but cases brought under the Convention originating in the UK (for breaches of the Convention) needed to be taken to the Strasbourg Court. Under the Human Rights Act 1998, cases could be taken to UK courts.

Some MPs have raised concerns about the impact of the Convention, and interpretations by British courts since the adoption of the Human Rights Act. The 2019 Conservative manifesto proposed to “update the Human Rights Act and administrative law to ensure that there is [a proper balance between the rights of individuals, our vital national security and effective government.](#)”

The Government launched an [independent review of the Human Rights Act](#) in December 2020. The review panel submitted a report to the Deputy Prime Minister and Lord Chancellor, Dominic Raab, in October 2021, which the Government followed up with a consultation paper on its proposals to reform the Human Rights Act in December 2021. The Government consultation paper said it would “remain faithful to the basic principles of human rights, which we signed up to in the original European Convention on Human Rights”. It said a new UK Bill of Rights would “continue to respect the UK’s international obligations as a party to the Convention”. Furthermore, the UK would continue to support further reforms to the European Court of Human Rights, as well as to the wider system of the Convention.¹⁵ The Government confirmed its intention to proceed with the introduction of the new Bill of Rights in the Queen’s Speech on 10 May 2022.¹⁶

¹⁴ See Commons Library briefing paper, [The UK and Reform of the European Court of Human Rights](#), 30 April 2012

¹⁵ Ministry of Justice, [Human Rights Act Reform: a Modern Bill of Rights](#), 14 December 2021

¹⁶ UK Government, [Queen’s Speech 2022](#), 10 May 2022

3 Views on the Council of Europe

3.1 Value of human rights work

An [article by Human Rights Watch](#) in 2019 commented that the Council of Europe had laid “the legal bedrock” of human rights in the region with the European Convention on Human Rights. It said that some Council of Europe conventions, such as on stopping domestic violence against women and on data protection, have led to global standard-setting in their fields.

The Human Rights Watch article referred to key CoE bodies including the European Court of Human Rights, described as “the strongest human rights court in the world and arguably the jewel in the Council of Europe’s crown”, the Venice Commission (Europe’s leading constitutional law expert body) and the Commissioner for Human Rights. It says that these and others CoE bodies including the Parliamentary Assembly “play vital roles in pinpointing concerns about human rights abuses, advising on legal changes and offering legal redress to victims across this heterogenous region”.¹⁷

[An article for the Foreign Policy Centre](#) in 2020 referred to a range of Council of Europe entities carrying out essential work on issues which are key areas of focus for the UK, including LGBT+ rights and tackling gender-based violence.¹⁸

3.2 Difficulties in addressing human rights concerns in Member States

The [Human Rights Watch](#) article in 2019 referred to problems for the CoE in recent years deriving partly from attempts to address human rights concerns in some of its Member States. Russia [threatened to leave the organisation](#) in a long-running dispute with PACE triggered by Russia’s occupation of Crimea in 2014. Turkey also cut back its funding, unhappy about the assembly’s scrutiny of its record. PACE was also struggling to recover from a [major corruption scandal](#) in which Azerbaijan paid PACE members to water down criticism of the country’s poor human rights record.¹⁹

¹⁷ Human Rights Watch, [Council of Europe at 70 — achievements and concerns](#), 15 May 2019

¹⁸ Foreign Policy Centre, [Engaging with Europe after Brexit: Time to reset the UK’s relationship with the Council of Europe](#), 16 December 2020

¹⁹ Human Rights Watch, [Council of Europe at 70 — achievements and concerns](#), 15 May 2019

A [Financial Times article in 2017](#) noted that both Russia and Azerbaijan “persistently flout” the fundamental principles of the CoE in almost every area of domestic policy. Yet, it said that both countries devoted much effort to presenting themselves as fully democratic and to retaining their membership of the Council of Europe. The article referred to the case of a former President of PACE, the Spanish politician Pedro Agramunt, who was forced to resign after travelling to a Russian-organised meeting with Syrian President Bashar al-Assad.²⁰

The Foreign Policy Centre article in December 2020 notes attempts in PACE to water down scrutiny of countries adopting illiberal practices, including Poland, Hungary and Turkey.²¹

Position on Russia

An [EUObserver article in 2019](#) accused the Council of Europe of “surrendering” to Russia and giving in to Russian blackmail following the resolution of a five-year stand-off between the organisation and Russia. This had enabled the Russian delegation to return to PACE after being suspended in 2014. Russia had also been threatening to leave the CoE and had halted membership payments.

EUObserver reported that in order to prevent Russia from leaving the CoE, the organisation had [given up some of its limited sanctioning powers](#). The article suggested that the then CoE's Secretary-General Thorbjorn Jagland and some member countries such as Germany and France had been looking for ways to placate Russia. It said this included presentation of “a flawed legal analysis” that confirmed Russia's claim that PACE's powers to suspend voting and representation rights contradicted the council's statute (see section 4.1 below).²²

2 Further reading

Commons Library Debate Pack, [Russia and the Council of Europe](#), 13 July 2018

Commons Library Research Briefing, [Russia and the Council of Europe](#), 5 March 2015

²⁰ Financial Times, [Is the Council of Europe giving up on human rights?](#), 19 December 2017

²¹ Foreign Policy Centre, [Engaging with Europe after Brexit: Time to reset the UK's relationship with the Council of Europe](#), 16 December 2020

²² EU Observer, [The Council of Europe's surrender to Russia](#), 27 June 2019

4 Reaction to Russian actions in Ukraine

4.1 Suspension from PACE in 2019

Following the Russian occupation of Crimea in 2014, PACE adopted a resolution condemning the annexation and also suspending the voting rights of the Russian delegation to the Assembly. The resolution, in April 2014, also suspended Russia's rights of representation in other PACE bodies.²³ The suspension was originally until the end of 2014, but this was extended again in January 2015 leading to a stand-off between Russia and the CoE.

In 2016, Russia said it [would not return to PACE](#) until the assembly gave up its power to deny voting and representation rights to any delegation. In 2017, Russia [stopped paying its membership contribution](#) of €33 million (seven percent of the CoE budget). In 2018, [it declared that it would leave the organisation altogether](#) if its demands were not met.

In May 2019, foreign ministers from 30 of the 47 member governments [adopted a declaration](#) affirming that all member states should be entitled to participate on an equal basis in the Committee of Ministers and in the Parliamentary Assembly. This was followed by a vote in PACE in June 2019 [restoring the credentials](#) of the Russian delegation.²⁴

The PACE resolution in June 2019 also called on Russia to respond to previous PACE resolutions relating to actions in Ukraine and Crimea, and other human rights and rule of law issues, and to co-operate with PACE monitoring mechanisms. Russia subsequently paid all due contributions to the CoE and co-operated with some mechanisms. However, PACE [continued to pass resolutions](#) critical of human rights and rule of law developments in Russia.

4.2 Expulsion of Russia in 2022

On 24 February 2022, the day of Russia's invasion of Ukraine, the Committee of Ministers (Deputies) [met and took a decision](#) condemning the Russian action. It agreed to hold an emergency meeting the next day to consider measures to be taken, including under Article 8 of the Statute of the Council of Europe providing for expulsion of member states.

²³ Parliamentary Assembly of the Council of Europe, [Citing Crimea, PACE suspends voting rights of Russian delegation and excludes it from leading bodies](#), 10 April 2014

²⁴ EU Observer, [The Council of Europe's surrender to Russia](#), 27 June 2019

Under Article 8, any member of the Council of Europe which has seriously violated Article 3 (relating to the values of the CoE) may be suspended from its rights of representation and requested by the Committee of Ministers to withdraw from the CoE. If the member does not comply with this request, the Committee may decide that it has ceased to be a member of the CoE as from such date as the Committee may determine. Under Article 20 of the CoE statute, a two-thirds majority of the representatives entitled to sit on the Committee is required for such a decision.

On 25 February, the Committee of Ministers Deputies met again, and following an exchange of views with the Parliamentary Assembly, [decided to suspend Russia](#) from its rights to representation in the CoE.

On 15 March, the Parliamentary Assembly issued an opinion that the Committee of Ministers should request Russia immediately withdraw from the Council of Europe. It said that if the Russian Federation does not comply with the request, then 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.²⁵

On the same day the Russian Government informed the Secretary-General of the Council of Europe that it would be withdrawing from the Council of Europe.²⁶ This was in accordance with Article 7 of the Statute of the Council of Europe and of its intention to denounce the European Convention on Human Rights. Under Article 7, any member state can notify its intention to withdraw, but this will take place at the end of the financial year in which it is notified, or at the end of the following financial year.²⁷

However, the following day the Committee of the Ministers decided to expedite matters. Its decision on 16 March 2022 provided that Russia would cease to be a member of the Council of Europe from that day (16 March 2022).²⁸

Russia will cease to be a High Contracting Party to the European Convention on Human Rights on 16 September 2022. This is in accordance with the six months' notice period for denunciation set out in [Article 58 of the Convention](#) (pdf). In line with a [Resolution](#) of the European Court of Human Rights of 22 March 2022, the Court will deal with applications directed against Russia in

²⁵ PACE, Opinion 300, [Consequences of the Russian Federation's aggression against Ukraine](#), 15 March 2022

²⁶ DW, [What does Russia leaving the Council of Europe mean?](#), 17 March 2022

²⁷ Under Article 7, if the withdrawal shall take effect at the end of the financial year in which it is notified, if the notification is given during the first nine months of that financial year. If the notification is given in the last three months of the financial year, it shall take effect at the end of the next financial year.

²⁸ Council of Europe, Committee of Ministers, [Resolution CM/Res\(2022\)2 on the cessation of the membership of the Russian Federation to the Council of Europe](#), 16 March 2022

relation to alleged violations of the Convention that occurred until 16 September 2022.²⁹

A resolution adopted by the Committee of Ministers on 23 March 2022 on the legal and financial consequences of Russia's cessation of membership states that Russia would continue to be a Contracting Party to those Council of Europe conventions and protocols, to which it has expressed its consent to be bound, and which are open to accession by non-member States. Russia would also be bound to fulfil its full financial obligations arising out of its membership of the Council of Europe up to the date it ceased to be a member of the Organisation, including any arrears and its contributions for 2022 determined on a pro rata basis.³⁰

The Committee of Ministers (Foreign Ministers) met on 19-20 May 2022, and decided to collectively ensure the CoE financial resources to fill the gap in its 2022 Budget, following Russia's exclusion on 16 March.³¹

Russia's withdrawal from the Council of Europe and ECHR has led to concerns that Russia could reinstate the death penalty.³² Russia imposed a moratorium on the use of the death penalty when it joined the Council of Europe in 1996. The death penalty is prohibited by [Protocol 6 of the ECHR](#), signed by all CoE member states.

4.3

Suspension of relations with Belarus in 2022

Belarus previously had special guest status in the Parliamentary Assembly of the Council of Europe (PACE), granted in 1992. Belarus also applied for membership of the Council of Europe in 1993.³³ In January 1997, PACE decided to suspend special guest status for the Belarusian Parliament "because the way in which the new Belarusian legislature had been formed deprived it of democratic legitimacy". In 2009, PACE recommended that Belarus's guest status be restored, but only if it abolished the death penalty.³⁴ The death penalty remains in use in Belarus.

However, Belarus has joined some Council of Europe conventions, protocols, and partial agreements.³⁵ These included membership of the Venice

²⁹ Council of Europe, [Russia ceases to be a Party to the European Convention on Human Rights on 16 September 2022](#), 23 March 2022

³⁰ Council of Europe, Committee of Ministers, [Resolution CM/Res\(2022\)3 on legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe](#), 23 March 2022

³¹ Council of Europe, [Condemnation of Russia, Council of Europe's priorities, assistance for Ukraine - Foreign Affairs Ministers' meeting concludes in Turin](#), 20 May 2022

³² DW, [What does Russia leaving the Council of Europe mean?](#), 17 March 2022

³³ Ministry of Foreign Affairs of the Republic of Belarus, [Council of Europe](#), accessed 10 June 2022

³⁴ Belarus Digest, [Should Belarus Join the Council of Europe?](#), 5 March 2015

³⁵ Partial agreements are not full international agreements, but are a form of cooperation within the CoE where a group of member states participate in certain agreed activities but others abstain.

Commission. Following Belarus's involvement in the Russian invasion of Ukraine in 2022, the Council of Europe has suspended cooperation with Belarus.³⁶ A Committee of Ministers decision on 17 March 2022, suspended Belarus's participation as an observer and in other capacities at all meetings of the Council of Europe, as well as its participation in the Venice Commission as an associate member and in other partial agreements. It also suspended all technical co-operation with Belarus while enhancing CoE relations with Belarusian civil society and the opposition in exile.³⁷

³⁶ Council of Europe, [Committee of Ministers suspends relations with the Belarusian authorities – Newsroom](#), 17 March 2022

³⁷ Council of Europe, Committee of Ministers, [Relations between the Council of Europe and Belarus](#), CM/Del/Dec(2022)1429/2.5, 17 March 2022

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