

Debate Pack

13 June 2022

CDP-0106 (2022)

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Work of the Council of Europe

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1 Background

A Westminster Hall debate on the work of the Council of Europe is scheduled for Wednesday 15 June 2022, from 9:30am to 11:00am. The debate will be led by John Howell MP.

1.1 Summary

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.

By the beginning of 2022, the Council of Europe comprised [47 Member States](#), 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).

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 set independent expert monitoring bodies, which undertake country visits and issue recommendations.

1.2 Council of Europe bodies

Major CoE bodies include the Committee of Ministers, the Parliamentary Assembly of the Council of Europe (PACE) and the European Court of Human Rights.

The Committee of Ministers (CM)

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.

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 member states.

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.

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.

Although its texts are not binding, PACE holds governments to account over human rights and democratic standards. It adopts opinions and recommendations and the 46 CoE governments must give a collective reply. 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](#).

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%.

1.3

The UK and the Council of Europe

The UK was instrumental in establishing the Council of Europe in 1949. The UK continues to play an active role in all parts of the organisation. The [webpage](#) of the UK delegation to the CoE 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.

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 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](#).

1.4

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.

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 informed the Secretary-General of the Council of Europe that it would be withdrawing from the Council of Europe. It would also be withdrawing from the European Convention on Human Rights.

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). This was under Article 8 of the Statute of the Council of Europe providing for expulsion of member states.

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).

Russia [can 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.

1.5

Suspension of relations 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 conventions, protocols, and partial agreements.

Following Belarus's involvement in the Russian invasion of Ukraine in 2022, the [Council of Europe suspended cooperation with Belarus](#). 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 partial agreements. It also suspended all technical co-operation with Belarus while enhancing CoE relations with Belarusian civil society and the opposition in exile.

2

Press and media articles

The following is a selection of press and media articles relevant to this debate.

Please note: the Library is not responsible for either the views or accuracy of external content.

[Russian MPs vote to quit European Court of Human Rights months after being booted out Council of Europe sparking fears the Kremlin could reinstate the death penalty](#)

Mail Online

Chris Jewers

8 June 2022

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

Council of Europe news

20 May 2022

[Europe's Kairos? The Role of the Council of Europe under a Negotiated Peace in Ukraine](#)

EJIL:Talk! (Blog of the European Journal of International Law)

Andrew Forde

13 April 2022

[Russia ceases to be a Party to the European Convention on Human Rights on 16 September 2022](#)

Council of Europe Newsroom

23 March 2022

[Committee of Ministers suspends relations with the Belarusian authorities](#)

Council of Europe Newsroom

17 March 2022

[Council of Europe expels Russia from human rights body](#)

Independent

16 March 2022

[Engaging with Europe after Brexit: Time to reset the UK's relationship with the Council of Europe](#)

Foreign Policy Centre

Alice Donald and Philip Leach

16 December 2020

The Council of Europe's surrender to Russia

EU Observer

Alexandra Stiglmeier

27 June 2019

Council of Europe at 70 — achievements and concerns

Euro News

Hugh Williamson

15 May 2019

3 Parliamentary material

3.1 PQs

Ukraine: Armed Conflict

17 May 2022 | 152

Asked by: John Howell

To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment she has made of the implications for her policies of the debate entitled The Russian Federation's aggression against Ukraine: ensuring accountability for serious violations of international humanitarian law and other international crimes, which took place at the Council of Europe on 28 April 2022.

Answering member: James Cleverly | Foreign, Commonwealth and Development Office

We want to hold accountable those responsible for the atrocities that have been committed in Ukraine. The UK supports the International Criminal Court investigation into the situation in Ukraine, in its role as the primary international institution with the mandate to investigate and prosecute war crimes and other international crimes. The UK also welcomed the publication of the OSCE's Moscow Mechanism independent report, which found evidence of multiple instances of clear violations of international law by Russian forces in Ukraine and supports the UN Human Rights Council Commission of Inquiry. We recognise the important work of the Council of Europe and in particular PACE in this sphere, including at the 14-15 March session where the UK Delegation played a pivotal role in ensuring Russia's expulsion from the organisation as a result of its invasion of Ukraine. We note that recommendations from PACE will go to the Committee of Ministers in due course for appropriate review.

Belarus and Ukraine

07 Mar 2022 | HL6257

Asked by: Lord Hylton

To ask Her Majesty's Government what discussions they have had with other (1) Council of Europe, and (2) Organisation for Security and Co-operation in Europe, members to deal with tensions arising over Belarus and the Ukraine.

Answering member: Lord Ahmad of Wimbledon | Foreign, Commonwealth and Development Office

We regularly use our public communications and position in multilateral fora, such as the UN and the OSCE. The Prime Minister has met with world leaders including those of the US, Italy, Poland, Romania, France, Germany, the European Council, the European Commission and NATO to discuss the situation in Ukraine. On 22 February, the Minister for Europe and North America spoke at a Reinforced OSCE Meeting on the situation in and around Ukraine where he condemned President Putin's decision to recognise the so-called Donetsk and Luhansk People's Republics, and called out Russia for undermining the Minsk process. We will stand by the people of Ukraine and the Minister for Europe and North America called on other participating States to do likewise. On 23 February, the Council of Europe discussed the implications of Russia's actions against Ukraine. Our Ambassador emphasised that Russia had violated the sovereignty and territorial integrity of a fellow Council of Europe member, and that the Council had a responsibility to act.

Europe: Security

09 Feb 2022 | 114708

Asked by: John Howell

To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, if she will make an assessment of the implications for her policies of the debate on Recent challenges to security in Europe: what role for the Council of Europe, that took place at the Parliamentary Assembly of the Council of Europe meeting on 27 January 2022.

Answering member: James Cleverly | Foreign, Commonwealth and Development Office

The Government is committed to addressing the range of security challenges across Europe, including in Belarus and the Russian military build-up in and around Ukraine's borders. We recognise the crucial work of the Council of Europe in building peace and dialogue between member states and in addressing any 'democratic backsliding' in the region. We understand that any recommendations from the debate will go to the Committee of Ministers for review in due course.

Alexei Navalny

03 Feb 2022 | 114706

Asked by: John Howell

To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, if she will make an assessment of the implications for her policies of

the debate that took place at the Council of Europe between 24 and 28 January on the poisoning of Alexander Navalny.

Answering member: Chris Heaton-Harris | Foreign, Commonwealth and Development Office

The debate that took place at the Parliamentary Assembly to the Council of Europe on January 26 on the poisoning of Alexander Navalny was important and timely. We look forward to considering any recommendations that subsequently go to the Committee of Ministers. We condemn Russia's continued violations of human rights and curtailing of basic freedoms. We have repeatedly called on the Russian authorities to immediately release Alexey Navalny from his politically motivated imprisonment. We have also sanctioned 13 individuals responsible for planning or carrying out the attack on him. The UK welcomes the crucial work of the Parliamentary Assembly of the Council of Europe on this and related issues.

[Council of Europe](#)

17 May 2021 | 176

Asked by: John Howell

To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment he has made of the implications for his policies of resolution 2369 on the strategic priorities of the Council of Europe passed on 20 April 2021; and whether the Government plans to take steps following the passing of that resolution.

Answering member: James Cleverly | Foreign, Commonwealth and Development Office

The Council of Europe Parliamentary Assembly's strategic reflection is a welcome and important one. The Committee of Ministers of the Council of Europe is considering the strategic direction of the Council of Europe following the Secretary General's report. I will represent the UK at the Council of Europe Ministerial on 21 May, which will be an opportunity for the Committee of Ministers to determine the medium term direction of the institution. The Assembly's views will of course be included in these considerations. The Assembly plays a vital role as the parliamentary and consultative arm of the Council of Europe, and the UK is proud to contribute a committed and active delegation to this work.

[Alexei Navalny](#)

21 Jan 2021 | 809 c1274

Asked by: Lord Balfe

My Lords, Russia, at its own request, rejoined the Council of Europe a few months ago but does not seem to have grasped the fundamental values of

that council. Sanctions are really water off the duck's back. The noble Lord, Lord Collins, came a lot nearer to the truth as to what we need to do if we are going to have an effective impact. Does the Minister agree that we need to join Berlin and Paris in encouraging Russia to follow the principles inherent in democratic societies and the underlying principles of the Council of Europe, which it was so keen to rejoin?

Answered by: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

My Lords, in the interest of time, I totally agree with my noble friend, and we will work closely with Germany and France in that respect.

Russia: COE Parliamentary Assembly

22 Jan 2020 | HL438

Asked by: Viscount Waverley

To ask Her Majesty's Government whether they support the position of the UK's delegation to the Parliamentary Assembly of the Council of Europe in regard to the suspension of the Russian delegation.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

The decision to adopt rules changes that saw the return of the Russian delegation to the Council of Europe Parliamentary Assembly (PACE) in June 2019 was a matter for the Assembly. Russia's membership of the Council of Europe provides access, valued by Russian citizens and human rights Non Governmental Organisations, to the European Court of Human Rights and is one of the few ways available to the international community to hold Russia to account for its human rights violations.

The British Government did not support Russia's unconditional return to PACE. We consistently called on Russia to fulfil all its obligations as a member state, and to adhere to Council of Europe standards on human rights, democracy and rule of law. We will continue our efforts in the Council of Europe to ensure Russia is answerable for its actions. We will also continue to make clear that we do not and will never recognise Russia's illegal annexation of Crimea.

Russia: Council of Europe

01 Jul 2019 | 269658

Asked by: Paul Farrelly

To ask the Secretary of State for Foreign and Commonwealth Affairs, what recent assessment he has made of the Council of Europe's decision allowing Russia to return to the human rights watchdog.

Answering member: Sir Alan Duncan | Foreign and Commonwealth Office

The decision to adopt rules changes that saw the return of the Russian delegation to the Council of Europe Parliamentary Assembly was a matter for the Assembly, which is independent from the intergovernmental Committee of Ministers. Russia's membership of the Council of Europe provides access, valued by Russian citizens and human rights NGOs, to the European Court of Human Rights and is one of the few ways available to the international community to hold Russia to account for its human rights violations. The British government did not, however, support Russia's unconditional return to the Parliamentary Assembly of the Council of Europe. We consistently called on Russia to fulfil all its obligations as a Member State, including payment of all debts to the Council of Europe, and to adhere to Council of Europe standards on human rights, democracy and rule of law. We will continue our efforts in the Council of Europe to ensure Russia is answerable for its actions. We will also continue to make clear that we do not and will never recognise Russia's illegal annexation of Crimea.

3.2

Debates

[Russia and the Council of Europe](#)

18 July 2018 | 645 cc101-123WH

[Council of Europe](#)

18 April 2018 | 639 cc115-136WH

4 Further reading

4.1 Commons Library briefings

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

[Work of the Council of Europe](#), Commons Library Debate Pack, 10 April 2018

[What is the Council of Europe?](#) Commons Library Research Briefing, 27 July 2017

[UK delegation to the Parliamentary Assembly of the Council of Europe](#), Commons Library Research Briefing, 16 November 2015

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

[The Council of Europe: an introduction](#), Commons Library *Insight*, 5 February 2014

4.2 Other resources

[Council of Europe – who are we?](#) (Council of Europe webpage)

[800 million Europeans](#), [PDF] Council of Europe, January 2012

[Moving forward 2022: Annual report of the Secretary General of the Council of Europe](#), [PDF] Council of Europe, April 2022

[Parliamentary Assembly of the Council of Europe](#) (UK Parliament Webpage)

[UK and the Council of Europe](#) (Gov.uk webpage)

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