

Committee of Ministers

The texts adopted by the Committee of Ministers in 2022 can be consulted at:
www.coe.int/cm.

The Committee of Ministers acts as the main decision-making body of the Council of Europe. It is made up of member states' foreign ministers or their permanent diplomatic representatives in Strasbourg.

During 2022, the Committee of Ministers was chaired by Italy until 20 May, then by Ireland until 9 November and thereafter by Iceland. The highest concern for the Council of Europe and the Committee of Ministers during 2022 was the aggression of the Russian Federation against Ukraine.

■ In this respect, on 24 February 2022, the Committee of Ministers promptly adopted a series of decisions, condemning in the strongest terms the armed attack on Ukraine by the Russian Federation in violation of international law and expressing its support to Ukraine. On 25 February 2022, considering the serious violation by the Russian Federation of its obligations under Article 3 of the Statute of the Council of Europe (ETS No. 1) and, following an exchange of views with the Parliamentary Assembly in the Joint Committee, the Committee of Ministers 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 and agreed that this suspension should take immediate effect in respect of the rights of representation in the Committee of Ministers and in the Parliamentary Assembly.

■ There ensued in March several important developments. Following the adoption of 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, the Committee of Ministers decided to consult the Parliamentary Assembly on potential further use of Article 8 of the Organisation's Statute in response to the serious violations by the Russian Federation of its statutory obligations as a member state. The Committee expressed, *inter alia*, deep concern about the fate of the civilian victims of the aggression of the Russian Federation against Ukraine and strongly urged the Russian Federation to implement the interim measures indicated by the European Court of Human Rights (the Court).

■ On 15 March 2022, the Chair of the Committee of Ministers, the President of the Parliamentary Assembly and the Secretary General of the Council of Europe made a joint statement after members of the Parliamentary Assembly unanimously voted that the Russian Federation should no longer be a member state of the Organisation (Opinion No. 300 (2022)). The following day, the Committee of Ministers adopted Resolution CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe under Article 8 of the Statute. The Russian Federation ceased to be a member of the Organisation as of 16 March 2022.

■ On 23 March 2022, the Committee of Ministers adopted Resolution CM/Res(2022)3 on legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe. This resolution stipulates, *inter alia*, that the Russian Federation shall cease to be a High Contracting Party to the European Convention on Human Rights (ETS No. 5, the Convention) on 16 September 2022.

■ The Committee of Ministers held its 132nd Session in Turin, Italy, on 19-20 May 2022. The Ministers decided that the Organisation should not emerge weakened as a consequence of Russia's aggression against Ukraine but, on the contrary, strengthened. They reaffirmed their commitment to the values of the Council of Europe and its work in the field of human rights, democracy and the rule of law, and committed themselves to guaranteeing the sustainability of the Organisation.

■ Reiterating their firm condemnation of all Russia's violations of human rights and international law, including attacks against civilians and civilian infrastructure in Ukraine and cultural and religious heritage, the Ministers called on Russia to cease immediately its aggression, withdraw its occupation forces from the territory of Ukraine and release all abducted civilians, including those forcibly transferred to the territory of the Russian Federation. The Ministers pledged to

mobilise all the Council of Europe's capacity to ensure the Russian Federation's full accountability for the human rights violations committed. They underlined that Russia bore the sole responsibility for depriving persons under its jurisdiction of the protection afforded by the European Convention on Human Rights, as of 16 September 2022, while reiterating its obligation to fully execute the final judgments of the Court.

■ The Committee of Ministers reiterated its full support to and solidarity with Ukraine and its unwavering commitment to the independence, sovereignty and respect for the territorial integrity of Ukraine within its internationally recognised borders. The Ministers also decided to adopt adjustments to the Action Plan for Ukraine 2018-2022, subsequently followed by the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" (2023-2026).

■ In addition, the Ministers stressed the need to review the Council of Europe's priorities in the light of the new reality of the continent and to strengthen the development throughout Europe of the Organisation's values, in particular through co-operation with civil society, including in Russia and in Belarus. To ensure the Organisation's sustainability and its ability to carry out its mission and mandate effectively, the Ministers welcomed the Secretary General's progress report on reform measures and decided to ensure collectively the financial resources to fill the gap in its 2022 Budget, following Russia's exclusion on 16 March. The Committee of Ministers also invited its Deputies to consider the desirability of a new summit of heads of state and government of the Council of Europe.

■ For this purpose, the Ministers invited the Secretary General to set up a high-level reflection group to consider the Council of Europe's responses to new realities and challenges and to report back at the earliest possible opportunity. Accordingly, Secretary General Pejčinović Burić set up the High-level Reflection Group, whose report was presented to the Committee of Ministers by the president of the group, Mary Robinson, in October 2022. On 7 November, the Committee of Ministers welcomed the invitation of the Icelandic authorities and agreed that the 4th Summit of Heads of State and Government of the Council of Europe should be held under the Icelandic Presidency of the Committee of Ministers in Reykjavik, Iceland, on 16 and 17 May 2023. The Committee entrusted its relevant working party with the preparation of the outcomes of the summit and the respective documents to be adopted, and to report back regularly.

■ Furthermore, upon adopting the adjusted Programme and Budget for 2023, whereby the Ministers agreed to increase the level of resources, the Committee of Ministers also agreed that a new four-year programme would be prepared as from 2024, in light of its reflection on the long-term strategic role

of the Organisation for 2024 and beyond and building on the outcome of the 4th Summit.

■ In the field of human rights, during the year, the Committee of Ministers held four meetings to supervise the execution of judgments. The overall number of pending cases increased slightly, while the number of leading cases remained stable. In February 2022, for the second time in its history, the Committee of Ministers initiated proceedings under Article 46, paragraph 4, of the Convention in the case of *Kavala v. Turkey* as Mr Kavala remained detained. The Grand Chamber gave its judgment in those proceedings on 11 July 2022, finding a violation of Article 46 paragraph 1 of the Convention. The Committee examined the case at every regular and human rights meeting during the year and appointed a liaison group of Ambassadors to assist the Chair in engaging with the Turkish authorities. The Committee continued to call for Mr Kavala's immediate release. The Committee of Ministers also held exchanges of views with the President of the European Court of Human Rights, the Commissioner for Human Rights and the Special Representative of the Secretary General on Migration and Refugees (SRSG).

■ In the field of social rights, the Committee of Ministers took note of operational proposals for the reform of the European Social Charter system and invited the relevant bodies to implement them as soon as possible.

■ Several exchanges of views were also held with the chairs of various committees and monitoring bodies, such as the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Advisory Committee on the Framework Convention for the Protection of National Minorities, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the Group of States against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the European Commission for Democracy through Law (Venice Commission) and the Council of Europe Development Bank (CEB).

■ During 2022, the Committee of Ministers held a number of in-depth discussions on priority issues for the Organisation. These included a thematic exchange on non-discrimination of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; an exchange on media freedom and safety of journalists; an exchange of views with representatives of civil society, other international organisations and experts on how best to strengthen the participatory culture and encourage citizens to participate in the decision-making process and also an exchange with representatives of youth civil society organisations. The Committee also held an informal meeting on human rights and sport.

■ The Committee of Ministers also examined and took note of a number of important reports and texts on priority issues, such as the first implementation report on the Strategic Action Plan for Roma and Traveller¹ Inclusion (2020-2025), the 2021 annual report on the activities of the European Commission against Racism and Intolerance (ECRI), the annual report for 2021 on the implementation of the Council of Europe Gender Equality Strategy 2018-2023 and the first thematic implementation review report on Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, focusing on the specific legal gender recognition aspect. The Committee also took note of the Council of Europe digital agenda 2022-2025 on "Protecting human rights, democracy and the rule of law in the digital environment".

■ With regard to the rights of the child, the Committee of Ministers took note of the final implementation report of the Council of Europe Strategy for the Rights of the Child (2016-2021) and adopted the new Council of Europe Strategy for the Rights of the Child "Children's Rights in Action: from continuous implementation to joint innovation" for the years 2022-2027.

■ In the field of bioethics, in May the Committee of Ministers instructed its relevant steering committee to complete, by the end of 2024, a draft recommendation promoting the use of voluntary measures in mental healthcare services, as well as a report on the case law of the European Court of Human Rights relevant to mental health. It also agreed to prepare a declaration of the Committee of Ministers affirming the commitment of the Council of Europe to improving the protection and the autonomy of persons in mental healthcare services after the examination of the aforementioned texts.

■ With regard to activities relating to the rule of law and judicial co-operation, the Committee of Ministers decided to open for signature the Second Additional Protocol to the Convention on Cybercrime on Enhanced Co-operation and the Disclosure of Electronic Evidence (CETS No. 224) in Strasbourg on 12 May 2022. In May, the Ministers' Deputies endorsed the creation of a network of national correspondents of police authorities of member states.

■ In February, the Committee of Ministers took note of the document "Possible elements of a legal framework on artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law", submitted to it by its Ad hoc Committee on Artificial Intelligence (CAHA); in June it instructed the Committee on Artificial Intelligence (CAI) to proceed speedily with the drafting of a legally binding instrument of a transversal nature ("convention"/"framework convention") on artificial intelligence based on the Council of Europe's standards on human rights, democracy and the rule of law.

■ Continuing its examination of the consequences of the aggression of the Russian Federation against Ukraine, the Committee of Ministers also took decisions in June and in October regarding the modalities for the participation of the Russian Federation and Belarus in open conventions.

■ With regard to the Committee of Ministers' regular discussions on the specific situations in a number of member states, the situation in Ukraine was a top priority. The Committee of Ministers, *inter alia*, gave instructions for "Priority adjustments to the Council of Europe Action Plan for Ukraine 2018-2022" to be implemented. In June, it examined a report by the Secretary General on the human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine) and took a number of decisions relating thereto. In September, the Committee adopted a decision stressing the urgent need to ensure a comprehensive system of accountability for serious violations of international law arising out of the Russian aggression against Ukraine to avoid impunity and to prevent further violations. They also noted with interest the Ukrainian proposals to establish an ad hoc special tribunal for the crime of aggression against Ukraine and a comprehensive international compensation mechanism, including, as a first step, an international register of damage.

■ The specific situation and co-operation activities in other member states were also addressed. In February, the Committee of Ministers approved an action plan to provide assistance to Azerbaijan over the period 2022-2025. In May, it took a series of decisions on the conflict in Georgia and, in June, took note of the progress review report on the implementation of the Action Plan for Georgia 2020-2023. The Committee of Ministers also took note with satisfaction of the final reports on the implementation of the action plans for 2018-2021 for Azerbaijan and Bosnia and Herzegovina. In November, the Committee of Ministers adopted an action plan for Armenia for the period 2023-2026. Finally, the Committee also took note of the results achieved so far in the framework of the Neighbourhood Co-operation Priorities for Kazakhstan (2019-2022) and agreed to extend the priorities until the end of 2023 to enable all the objectives to be achieved.

1. The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

■ The Committee of Ministers was also very active in 2022 with regard to external relations and co-operation with other international organisations. For example, in February, it held an exchange of views with the United Nations (human rights questions), with a thematic discussion on human rights and the environment. At its 132nd Ministerial Session, the Committee of Ministers called for co-operation with the European Union – as the main institutional partner of the Council of Europe in political, legal and financial terms – to be stepped up still further in view of the many challenges currently facing Europe. In July, the Committee held an exchange of views with Mr Michael O’Flaherty, Director of the European Union Agency for Fundamental Rights (FRA). Co-operation with the Organization for Security and Co-operation in Europe (OSCE) was also pursued.

■ With regard to Belarus, in March the Committee of Ministers condemned the active participation of Belarus in the aggression of the Russian Federation against Ukraine and invited the Secretary General to submit proposals on possible steps to be taken with regard to relations between the Council of Europe and Belarus. On 17 March 2022, the Committee of Ministers decided to suspend all relations with Belarus. Following an exchange of views in July with Ms Svetlana Tikhanovskaïa, leader of the Belarusian opposition, in September the Committee of Ministers agreed to hold regular exchanges with Ms Tikhanovskaïa and other representatives of Belarusian democratic opposition forces. The Committee invited the Secretary General to set up a “contact group” within the Council of Europe, in co-operation with representatives of Belarusian democratic forces and civil society and to report back regularly.



Handover of the Presidency of the Committee of Ministers from Italy to Ireland. **Luigi Di Maio**, Minister for Foreign Affairs of Italy, and **Simon Coveney**, Minister for Foreign Affairs of Ireland (Turin, 20 May 2022)

ONSEIL DE L'EUROPE



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Transfer of the Presidency of the Committee of Ministers to **Thórdís Kolbrún Reykjörd Gylfadóttir**, Minister for Foreign Affairs of Iceland, incoming Chair of the Committee of Ministers, from **Breifne O'Reilly**, Irish Ambassador at the Permanent Representation of Ireland to the Council of Europe, outgoing Chair (Strasbourg, 9 November 2022)