Europe Cannot Remain a Safe Haven for Foreign Repression

By: Eleonora Mongelli and Simon Papuashvili

Transnational repression used to be treated as an anomaly, an occasional excess by authoritarian regimes pursuing enemies abroad. That assumption is no longer tenable. Across Europe, foreign states, including Russia, China and Iran, are systematically extending their coercive reach beyond their borders, targeting dissidents, journalists, human-rights defenders and political opponents who believed exile offered safety. It no longer does.

Surveillance, intimidation, digital attacks, threats against family members, proxy violence and even assassinations are no longer rare. Nor is the bureaucratic weaponisation of law: abusive extradition requests, manipulated mutual legal assistance, and the misuse of INTERPOL notices to harass or detain critics. Taken together, these practices amount to something more than isolated human-rights violations. They represent a direct challenge to European sovereignty, the rule of law and national security.

This is why transnational repression must be understood not as a niche concern for activists, but as a structural threat to Europe's democratic order.

Europe is not starting from zero. Human-rights treaties prohibit torture, arbitrary detention and persecution. Criminal law addresses threats, violence and coercion. Judicial-cooperation frameworks govern extradition and mutual legal assistance. Yet none of these regimes was designed to confront state-sponsored repression that deliberately crosses borders.

The result is fragmentation. One country may recognise a pattern of abuse; another may treat the same conduct as a routine legal request. Prosecutors see individual offences, not coordinated campaigns. Courts apply safeguards unevenly. Perpetrators exploit the gaps, and they are learning fast.

Europe is, in effect, trying to counter a 21st-century threat with 20th-century tools.

Making a case for the dedicated Council of Europe TNR convention

If there is an institution equipped to close this gap in the wider European region, it is the Council of Europe. Its mandate sits precisely at the intersection of transnational repression exploits: human rights, democracy, the rule of law and judicial cooperation. Its conventions, from data protection to cybercrime, have repeatedly set standards that later shaped global practice.

Crucially, its membership extends beyond the European Union. That matters. Transnational repression is not confined to EU borders, and neither should Europe's response be.

A dedicated Council of Europe convention would do what existing instruments cannot: bring coherence, clarity and collective resolve to a problem that thrives on legal ambiguity.

Going beyond symbolism

Sceptics often hear "new convention" and think of lofty principles with little operational bite. In this case, the opposite is true. A Convention on Transnational Repression would be practical by design.

First, it would define the phenomenon clearly, recognising state-linked conduct carried out abroad, whether directly or through proxies. That definition alone would end the convenient fiction that these are merely private disputes or isolated crimes.

Second, it would impose positive obligations on states: to prevent, investigate and prosecute transnational repression on their territory, and to protect those most at risk – political exiles, human rights defenders, dual nationals.

Third, it would close procedural loopholes. Stronger safeguards against abusive extradition requests, mutual legal assistance and arrest warrants would ensure that judicial cooperation cannot be hijacked for political persecution.

Fourth, it would strengthen accountability by requiring the criminalisation of key acts and offering guidance on jurisdiction - territorial, nationality-based and, where appropriate, universal.

Finally, it would improve cooperation: systematic information-sharing on patterns and perpetrators, and coordinated responses to repeat-offender states.

This is not about reinventing the wheel. It is about aligning existing spokes into a functioning system to address the growing challenge.

Addressing the objections

Is this already covered by existing law? Partially and ineffectively. Fragmentation is precisely the problem a convention would solve.

Is it politically sensitive? Certainly. But silence is costlier. Inaction signals tolerance of foreign repression on European soil.

Will it antagonise third countries? The convention would regulate conduct within Member States' territory. That is not provocation; it is sovereignty.

Is implementation realistic? Yes. The instrument would build on existing legal frameworks, not replace them.

Would it be costly? No. The proposed convention approach is to utilise existing tools and resources more effectively rather than creating additional structures and mechanisms to overcome the challenge.

Delay is dangerous

Cases of transnational repression in Europe are increasing in scale, sophistication and violence. The longer Europe hesitates, the more normalised these practices become. The chilling effect on free speech and civic engagement is already visible. Europe's credibility as a place of refuge is eroding. And prece-

dents set here will be studied and copied by other authoritarian actors.

Europe faces a simple but consequential choice: remain a sanctuary governed by law, or drift into a permissive environment where foreign repression is quietly tolerated.

The way ahead need not be reckless. A phased approach is both realistic and prudent: mandate a group of experts to assess feasibility and scope; launch intergovernmental consultations with affected states; engage civil society, legal experts and victims; and move toward a framework convention, with optional protocols if needed.

A Council of Europe Convention on Transnational Repression would affirm a principle that should not be controversial but urgently needs restating: no state may export repression into Europe and no European state should be left to confront it alone.

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