Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 509 (1968)[1]

Human rights and modern scientific and technological developments

Parliamentary Assembly

The Assembly,

1. Considering that member States under the Statute of the Council of Europe accept the principle of the enjoyment by all persons within their jurisdiction of human rights and fundamental freedoms;

2. Having regard to the serious dangers for the rights of the individual inherent in certain aspects of modern scientific and technological development;

3. Believing that newly developed techniques such as phone-tapping, eavesdropping, surreptitious observation, the illegitimate use of official statistical and similar surveys to obtain private information, and subliminal advertising and propaganda are a threat to the rights and freedoms of individuals and, in particular, to the right to privacy which is protected by Article 8 of the European Convention on Human Rights;

4. Considering that the law in the majority of the member States does not provide adequate protection against such threats to the right of privacy, and that there is in consequence danger of violation of Article 8 of the Convention on Human Rights;

5. Noting that some member States of the Council of Europe are planning to revise their legislation on this subject and that it would be desirable for any such reform to tend towards a greater harmonisation of the law ;

6. Considering that it would be useful to make a detailed study of the legal problems arising in connection with the right to privacy and its violation by modern technical devices, with special reference to the European Convention on Human Rights;

7. Reserving the right to continue its own studies and to make further proposals on the questions concerned,

8. Recommends that the Committee of Ministers instruct the Committee of Experts on Human Rights :

   8.1. to study and report on the question whether, having regard to Article 8 of the Convention on Human Rights, the national legislation in the member States adequately protects the right to privacy against violations which may be committed by the use of modern scientific and technical methods;

   8.2. if the answer to this question is in the negative, to make recommendations for the better protection of the right of privacy.

1. Assembly Debate on 31st January 1968 (16th Sitting) (see Doc. 2326, report of the Legal Committee). Text adopted by the Assembly on 31st January 1968 (16th Sitting).