



## Recommendation 1865 (2009)<sup>1</sup>

# Protection of human rights in emergency situations

Parliamentary Assembly

1. Referring to its [Resolution 1659 \(2009\)](#) on the protection of human rights in emergency situations, the Parliamentary Assembly is convinced that the Council of Europe must elevate the level of scrutiny applied to declarations of a state of emergency, provide for greater democratic oversight, increase the speed at which the Organisation's organs and human rights control mechanisms respond to fast moving events on the ground, and express a firm condemnation of abuses committed under the shroud of purported states of emergency.

2. The Assembly invites the Committee of Ministers to look into ways to achieve this by instructing its relevant committees to consider:

2.1. whether it would be appropriate to grant the Secretary General, upon receipt of a declaration of a derogation under Article 15 of the European Convention on Human Rights (ETS No. 5), the possibility to request supplementary information during and after the state of emergency, and to transmit this information to all Contracting Parties, the Chairperson of the Committee of Ministers, the President of the European Court of Human Rights, the Council of Europe Commissioner for Human Rights, as well as the Presidents of the Parliamentary Assembly and of the Congress of Local and Regional Authorities of the Council of Europe;

2.2. adding more rights to the list of those that are currently non-derogable under Article 15 of the European Convention on Human Rights, especially with respect to rights whose suspension is not essential even in a state of emergency, as is the case in Article 27 of the American Convention on Human Rights.

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1. *Assembly debate* on 27 April 2009 (11th Sitting) (see [Doc. 11858](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Haibach). *Text adopted by the Assembly* on 27 April 2009 (11th Sitting).

