



Recommendation 1913 (2010)¹

Final version

Necessity to take additional international legal steps to deal with sea piracy

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1722 \(2010\)](#) "Piracy – A crime and a challenge for democracies", in which it stresses that no legal response to the phenomenon of piracy is possible unless it is supported by a firm political commitment to do so. Acts of piracy, especially those off the coast of Somalia, have become endemic and combating this phenomenon necessitates a concerted effort in strict conformity with international legal standards.
2. The Assembly urges Council of Europe member states to ensure that all agreements on the treatment of suspected pirates, their transfer and trial, including those concluded by the European Union and certain Council of Europe member states with Kenya and the Seychelles, comply with international human rights standards. It recalls, in this connection, that Council of Europe member states involved in anti-piracy action off the coast of Somalia are bound by the provisions of the European Convention on Human Rights (ETS No. 5) and other relevant international instruments.
3. The Assembly recommends that the Committee of Ministers, with the help of a newly mandated expert group or through an already existing mechanism:
 - 3.1. conduct an in-depth study on member states' practice in dealing with suspected pirates and the state of national criminal law concerning the repression and prosecution of acts of piracy;
 - 3.2. prepare, according to existing international guidelines, a code of conduct on how to deal with suspected pirates in full compliance with international human rights standards in order to ensure the harmonisation of national criminal legislation on the subject of combating sea piracy;
 - 3.3. promote the conclusion of international agreements clearly specifying state responsibility for the prosecution of pirates and the elaboration of common procedures to be followed for this purpose;
 - 3.4. seek appropriate ways in which the existing international legal framework can be adapted to face current needs of policing at sea and consider creating, provided all existing disadvantages in this field are removed, a special mechanism (either international, or with international participation) for the prosecution of persons suspected of piracy.
4. The Assembly further recommends that the Committee of Ministers enhance co-operation in combating sea piracy with other international organisations, including the United Nations, the African Union, the North Atlantic Treaty Organization (NATO) and the European Union, with a view to eradicating it from the waters off the Somali coast, while ensuring full observance of the requirements stemming from the European Convention on Human Rights and other pertinent international legal instruments.

1. *Assembly debate* on 28 April 2010 (14th Sitting) (see [Doc. 12194](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Holovaty). *Text adopted by the Assembly* on 28 April 2010 (15th Sitting).

