ASSEMBLÉE PARLEMENTAIRE
DU CONSEIL DE L'EUROPE

Recommendation 1960 (2011)[1]
Final version

The need for a global consideration of the human rights implications of biometrics

Parliamentary Assembly

1. The Parliamentary Assembly notes that the Council of Europe has already demonstrated its commitment to the protection of human rights in relation to data protection, in particular by adopting the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and through the work of its consultative committee. The Assembly also notes in this context the importance of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine ("Oviedo Convention", ETS No. 164). The Council of Europe is therefore well placed to promote the adoption at the European level of rules on the use of biometrics.

2. Referring to its Resolution 1797 (2011), the Assembly invites the Committee of Ministers to:

2.1. revise the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data in order to adapt it to the challenges brought about by the development of new technologies, including biometric technologies, in particular by developing a definition of "biometric data";

2.2. prepare guidelines for member states on legislative frameworks that would strike a fair balance between the interests of the parties concerned, including those of security and privacy;

2.3. continue to observe the development of biometric technology and its possible impact on the rights and freedoms enshrined in the European Convention on Human Rights (ETS No. 5) and other Council of Europe instruments on human rights protection.

3. The Assembly also recommends that the Committee of Ministers develop its co-operation with the United Nations, the Organisation for Economic Co-operation and Development and the European Union, with a view to comparing the existing regulations on biometrics and promoting coherent guidelines concerning their use, and invites non-member states and the European Union to become parties to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and to the Oviedo Convention.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 11 March 2011 (see Doc. 12522, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Haibach; and Doc. 12528, opinion of the Committee on Culture, Science and Education, rapporteur: Ms Brasseur).