



Recommendation 1983 (2011)¹

Final version

Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1838 \(2011\)](#) on abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations, and recalls its [Recommendation 1916 \(2010\)](#) on the protection of “whistle-blowers”, its [Recommendation 1876 \(2009\)](#) on the state of human rights in Europe: the need to eradicate impunity, and its [Recommendation 1950 \(2011\)](#) on the protection of journalists’ sources.

2. It calls on the Committee of Ministers to:

2.1. draw up a recommendation on the notion of state secrecy and the use to be made of it, specifying that the legislation of a member state cannot rely on state secrecy and national security in a way which would prevent an independent, effective and impartial investigation of alleged human rights violations, prevent perpetrators from being held accountable, prevent victims from having an effective remedy and from receiving an effective reparation, or prevent public disclosure of the truth about the alleged human rights violations;

2.2. invite all member states to review or, if necessary, set up suitable and effective parliamentary and other independent mechanisms for the oversight of the secret services and to ensure that they have the requisite power, resources and expertise to initiate and conduct their own investigations, as well as full and unhindered access to the information, officials and installations necessary to fulfil their mandates. Member states should ensure that these oversight mechanisms receive the full co-operation of intelligence services and law enforcement authorities in hearing witnesses, as well as in obtaining documentation and other evidence;

2.3. invite all member states to review or, as appropriate, set up special procedures in the criminal and civil courts to permit proper conduct of proceedings involving the handling of information of a sensitive nature covered by secrecy, taking into account the state’s legitimate interests and its security.

1. Assembly debate on 6 October 2011 (34th Sitting) (see [Doc. 12714](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Marty). Text adopted by the Assembly on 6 October 2011 (34th Sitting).

