Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2258 (2023)[1]

Pegasus and similar spyware and secret State surveillance

Parliamentary Assembly

1. The Parliamentary Assembly refers to Resolution 2513 (2023) "Pegasus and similar spyware and secret State surveillance" and recommends that the Committee of Ministers:

1.1. adopt a recommendation to member States of the Council of Europe on secret surveillance and human rights, particularly in the light of the threats posed by new surveillance technologies and spyware, taking due account of the highest international standards, the case law of the European Court of Human Rights and the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 223, "Convention 108+"). The recommendation should focus on:

1.1.1. the conditions for the acquisition of spyware by member States' government bodies and agencies;

1.1.2. the conditions for the use of spyware technologies for law-enforcement and national security purposes;

1.1.3. the conditions for the sale and export of spyware technologies to third countries;

1.1.4. authorisation procedures, judicial supervision and oversight mechanisms, notification mechanisms and remedies applicable to the use of spyware by State authorities;

1.1.5. accountability mechanisms in cases of unlawful use of spyware;

1.1.6. human rights due diligence standards for spyware companies;

1.1.7. the transnational aspect of digital surveillance and the use of spyware;

1.1.8. the role of national parliaments;

1.2. examine the feasibility of a Council of Europe convention on the acquisition, use, sale and export of spyware;

1.3. co-ordinate its efforts with other international organisations, including the European Union and the United Nations, in the areas of data protection, targeted surveillance and spyware, for the purposes of standard setting and co-operation.

1. *Assembly debate* on 11 October 2023 (22nd sitting) (see Doc. 15825, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pieter Omtzigt). *Text adopted by the Assembly* on 11 October 2023 (22nd sitting).