



Resolution 1604 (2008)¹

Video surveillance of public areas

Parliamentary Assembly

1. The Parliamentary Assembly notes that the use of video surveillance is an increasingly widespread phenomenon in public places.
2. Rapidly evolving technology and a growing feeling of insecurity in the population have gradually increased public acceptance of video surveillance as a useful tool in crime prevention and detection.
3. The Assembly notes that the use of video surveillance as such is no longer called into question. Modern technology makes it possible to carry out high quality video surveillance without intruding into the private lives of citizens. The spectre of “Big Brother” no longer seems to raise the fears it used to.
4. Video surveillance has found its place in daily life in a great number of cities in Council of Europe member states and has, on several occasions, proved to be an effective tool. The Assembly is aware of the positive role played by video surveillance systems in resolving criminal cases before the courts, for example in the case of the bomb attacks of 21 July 2005 in the London Underground, and also more recently in helping to prevent car bombings in London and Glasgow.
5. Whilst welcoming the increasingly efficient use of new technologies to protect public order and security in Europe, the Assembly remains concerned by the fact that video surveillance may impinge on human rights such as privacy and data protection. In the light of, in particular, Article 8 of the European Convention on Human Rights (ETS No. 5 – the Convention) which guarantees the right to respect for private life, video surveillance should remain an exceptional measure prescribed by law and should be used only in cases where it is necessary in a democratic society to protect the interests of national security or public safety, or for the prevention or detection of disorder or crime.
6. The collection, treatment and conservation of data obtained through video surveillance must be regulated by law in full compliance with the Convention, as interpreted by the European Court of Human Rights.
7. In this context, the Assembly recalls that several national and European legal instruments provide minimum guarantees for the protection of individual rights with regard to video surveillance and that these should be respected and fully implemented in all member states.
8. The Assembly is concerned by certain far-reaching aspects of the continuous supervision offered by the technical possibilities inherent in closed-circuit television (CCTV) systems. The use of such technical possibilities should be strictly regulated.
9. Considering that the existing equipment for video surveillance and software allows the use of a very strong zoom (with enlargement of up to 30-50 times) and high resolution, the Assembly strongly encourages Council of Europe member states to adopt legislation laying down limits for the installation of such equipment with respect to each specific place concerned.

1. Assembly debate on 25 January 2008 (9th Sitting) (see [Doc. 11478](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Sharandin). Text adopted by the Assembly on 25 January 2008 (9th Sitting).



10. The Assembly also stresses that existing CCTV equipment and software allows for “privacy zones” (windows of apartments, etc.) to be automatically excluded from video observation. The Assembly considers that this practice serves not only to protect the private lives of individuals but also to protect the employees of CCTV centres from witnessing anything which lies outside their competence. In Council of Europe member states, such privacy zones should be defined by law and excluded from video surveillance by using such specialised software.

11. Images from CCTV cameras are currently stored in a digital format and the software allows the image to be encoded. This excludes access by third parties to the stored information and protects it from unauthorised access and modification. Encoding can help guarantee the validity of the information for criminal investigations. In Council of Europe member states, the practice of encoding video data should be imposed by law.

12. Every person living in or passing through an area under video surveillance has the right to know about it and to gain access to all the images of him or herself. Council of Europe member states should protect this right by law.

13. Furthermore, the Assembly stresses that co-operation between government bodies and non-governmental entities is vital in the sphere of video surveillance and encourages member states to enhance this co-operation. The governments are obliged to co-operate with NGOs, which should have the right to control the amount and form of video surveillance.

14. The Assembly is concerned to note that national laws are far from homogeneous in this area and therefore formally calls on the Council of Europe member states to:

14.1. apply the guiding principles for the protection of individuals with regard to the collection and processing of data by means of video surveillance adopted by the Council of Europe’s European Committee on Legal Co-operation (CDCJ) in May 2003 and to ensure that they are adhered to as systematically as possible;

14.2. lay down by law technical restrictions for installation limits of the equipment with reference to each place under surveillance;

14.3. define privacy zones to be excluded from video surveillance by law, imposing the use of specialised software;

14.4. provide in their legislation for the practice of encoding video data;

14.5. provide access to a legal remedy in cases of alleged abuse related to video surveillance.

15. The Assembly finds it necessary that a unified sign, with an accompanying unified written notice, are adopted as soon as possible and used by the member states.

16. Finally, the Assembly – considering that further reflection on video surveillance is needed – encourages the European Commission for Democracy through Law (Venice Commission) to further consider this subject in order to establish guidelines to balance the public interests involved with the human rights and freedoms of individuals in a democratic society.

17. Taking into consideration current events and constant technical progress in the field of video surveillance, the Assembly stresses the need to continue the work on the issue of video surveillance in the future.