

Contents

EXECUTIVE SUMMARY	5
1. Overview of the impact of national security services' activities on human rights protection in Europe	5
2. Overview of international and European standards concerning democratic oversight over national security services	6
3. National practices in Council of Europe member states	7
4. Towards a democratic and effective oversight of national security services	9
COMMISSIONER'S RECOMMENDATIONS	11
On general parameters for a system of oversight	11
On the scope of oversight of security services	11
On the independence and democratic legitimacy of oversight bodies	13
On the effectiveness of oversight bodies	13
On transparency and engagement with the public	14
On reviewing oversight bodies and systems	14
CHAPTER 1. INTRODUCTION	17
CHAPTER 2. OVERVIEW OF THE IMPACT OF NATIONAL SECURITY SERVICES' ACTIVITIES ON HUMAN RIGHTS PROTECTION IN EUROPE	19
2.1. Personal integrity and liberty	20
2.2. Right to privacy and family life	21
2.3. Rights to freedom of expression, assembly and association	25
2.4. Right to a fair trial and the right to an effective remedy	26
CHAPTER 3. OVERVIEW OF INTERNATIONAL AND EUROPEAN STANDARDS CONCERNING DEMOCRATIC OVERSIGHT OF NATIONAL SECURITY SERVICES	29
3.1. International and regional legal instruments	29
3.2. Non-binding recommendations and principles	33
CHAPTER 4. NATIONAL PRACTICES IN COUNCIL OF EUROPE MEMBER STATES	41
4.1 Parliamentary committees	42
4.2 Independent oversight institutions	47
4.3 Judicial bodies	52
4.4. Quasi-judicial authorisation bodies	56
4.5. Executive	57
4.6. Internal controls	58
4.7. Media and civil society	59

CHAPTER 5. TOWARDS DEMOCRATIC AND EFFECTIVE OVERSIGHT OF NATIONAL SECURITY SERVICES	61
5.1. <i>Ex ante</i> authorisation of intrusive measures	62
5.2. Complaints handling	63
5.3. Access to information by overseers	63
5.4. Transparency of oversight bodies	65
5.5. Evaluation of oversight systems	65
REFERENCES	67
COURT CASES	75
European Court of Human Rights	75
National courts	75