

Five member states must investigate spyware abuse, says PACE committee

08/09/2023

[Legal Affairs and Human Rights](#)

Citing “mounting evidence” that spyware has been used for illegitimate purposes by several Council of Europe member states, a committee of the Parliamentary Assembly of the Council of Europe (PACE) has urged five governments to provide information on their use of such spyware within three months, and fully investigate all cases of abuse.

Approving a draft resolution on Pegasus and similar spyware and secret state surveillance, PACE’s Legal Affairs Committee unequivocally condemned “the use of spyware by state authorities for political purposes”. It urged Poland, Hungary, Greece, Spain and Azerbaijan to promptly and fully investigate all cases of abuse of spyware, sanction any they find, and provide redress to victims.

The draft resolution, based on a report by Pieter Omtzigt (Netherlands, EPP/CD), also called on other member states which seem to have acquired or used Pegasus –

including Germany, Belgium, Luxembourg and the Netherlands – to clarify their use of it, and the mechanisms in place to oversee it, within three months.

The committee said secret surveillance of political opponents, public officials, journalists, human rights defenders and civil society for purposes other than those listed in the European Convention on Human Rights, such as preventing crime or protecting national security, would be a clear violation of the Convention.

Given its intrusiveness, states should refrain from using such spyware until their laws and practice on secret surveillance are in line with the Convention and other international standards, as assessed by Council of Europe legal experts. In any case, they should only use it for “exceptional situations as a measure of last resort”, the committee said. They should also avoid exporting it to countries where there was a substantial risk it might be used for repression or human rights abuses.

The committee also asked for information from Israel, a PACE observer state, on how it ensures that Pegasus, which is marketed by an Israel-based company, is not exported to countries where it could be used to violate human rights. Morocco, a PACE “partner for democracy” state which is alleged to have used Pegasus in Spain, was also asked to provide information on and investigate its use.

Politicians or journalists from Poland, Spain and Greece who were targeted by Pegasus or similar spyware [gave testimony](#) to the committee at a public hearing in December 2022.

Mr Omtzigt’s report is due to be debated by the full Assembly during its forthcoming plenary session in Strasbourg (9-13 October 2023).

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