

# **Recommendation CM/Rec(2014)4 of the Committee of Ministers to member States on electronic monitoring**

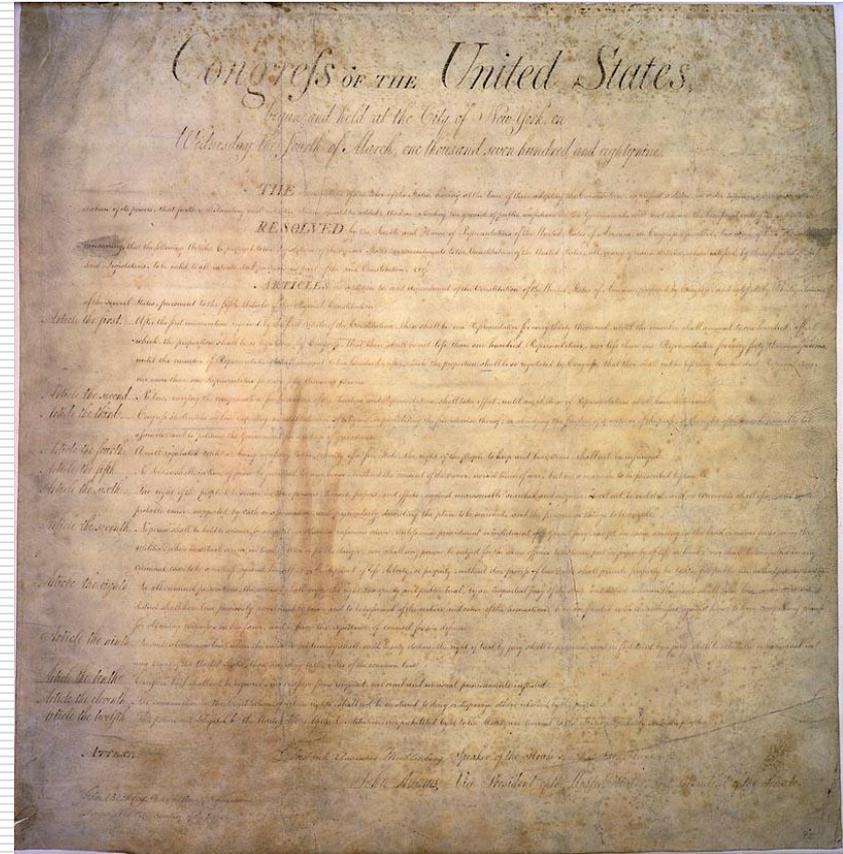
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# High level rules

- Human rights
- All men are equal...

Congress submitted twelve Amendments to the United States on September 28, 1789. The first two proposals, on apportionment of the House and congressional salaries, were rejected by the states. On December 15, 1791, the other ten Amendments became part of the Constitution when they were ratified by Virginia. By then they had become known as the **Virginia Bill of Rights**.



# European Convention on Human Rights

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European Court of Human Rights  
in [Strasbourg](#)



# Council of Europe

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- ❑ **The Council of Europe is the continent's leading human rights organisation.** It counts 47 member states. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.



# Ethics and Human Rights in practice

- Which practice?
- Whose or which ethics?

Please do not misunderstand the cartoon; it is meant to illustrate problems arising from different definitions of human rights and torture

many intolerable methods of torture are used in many parts of the world!



# Electronic Monitoring a threat?

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Legitimate Question:

Is electronic monitoring a threat to humans beings?

Correct Answer:

It might be.

Legitimate remark:

What kind of a futile, useless and good for nothing answer is that ...?

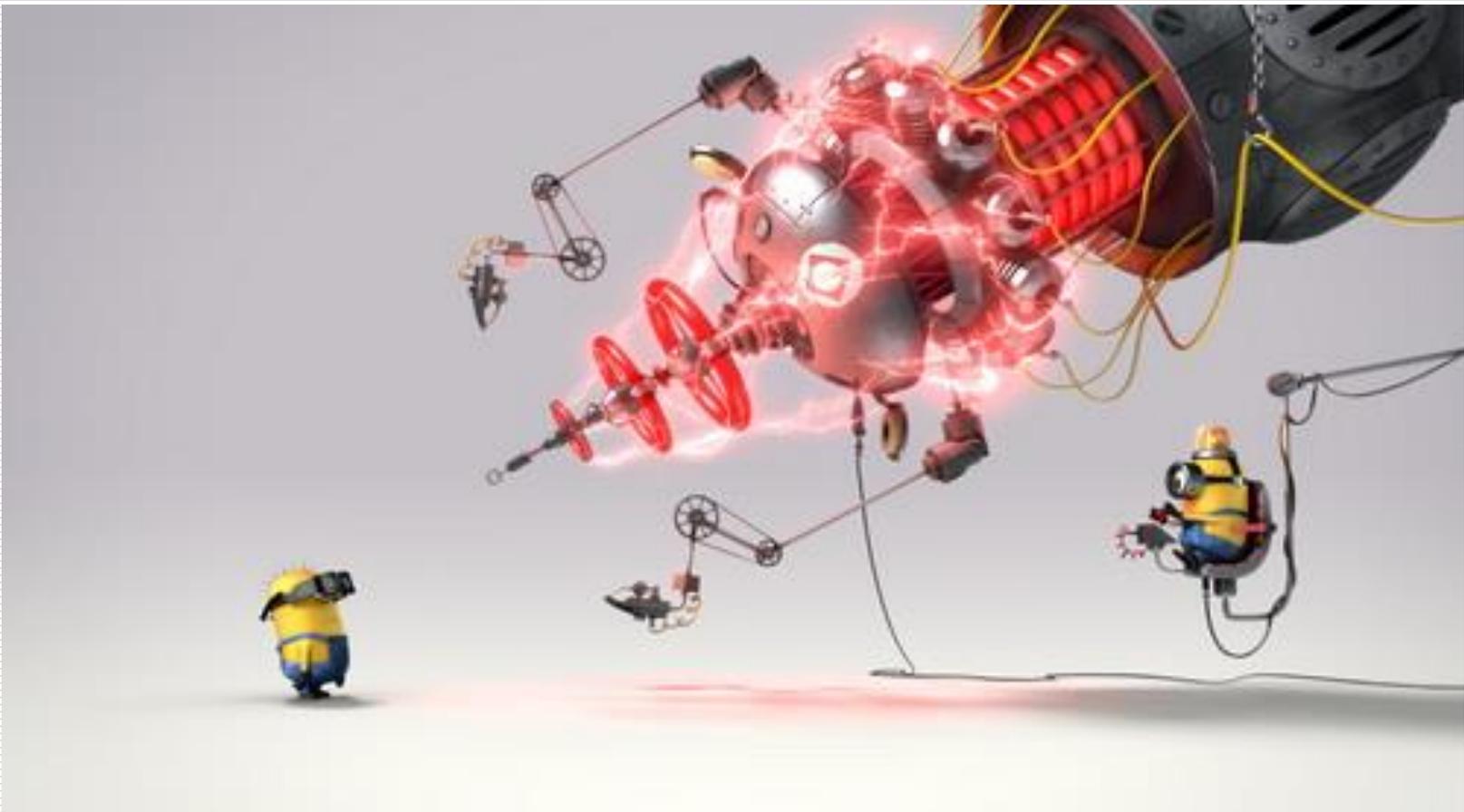
Give me a better one.



ok, it depends. - On what? - On conditions of breach for instance...

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**YOU HAVE TRESPASSED AN EXCLUSION ZONE.**



## **An American Perspective on the new EM Rec.**

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"Whatever its limitations, Recommendation 2014(4) is a wholly commendable development, a model document for any state that uses EM, inside or outside Europe."

J. Robert Lilly Autumn 2014

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# Scope of the Recommendation

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"The aim of the recommendation is to define a set of basic principles related to ethical issues and professional standards enabling national authorities to provide just, proportionate and effective use of electronic monitoring in full respect of the rights of the persons concerned."

"It is also intended to bring to attention that particular care needs to be taken not to undermine or replace the building of constructive professional relationships by competent staff."

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# Electronic Monitoring in Rec(2014)4

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- Definitions
  - Basic principles
  - Conditions of execution
  - Data protection
  - Staff
  - Research and Evaluation
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# wellknown general penentary basic principles

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- ❑ use, types, duration and modalities to be regulated by law
  - ❑ decisions by judiciary or allowing judicial review
  - ❑ no discrimination on grounds of gender, race ...
  - ❑ proportionality in terms of duration and intrusivness to the offence
  - ❑ no restriction of rights and freedoms to a greater extent than provided by the decision imposing it
  - ❑ adequately and regularly trained staff
  - ❑ regular government inspection
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# basic principles concerning third parties

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- ❑ account to be taken of impact on rights of family and third parties
  - ❑ when private sector organisations are involved, responsibility remains with public authorities
  - ❑ ensure that information regarding private sector involvement is transparent
  - ❑ regulation of use of data collected by relevant agencies
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## basic principals concerning goals and policy

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- no netwidening
  - use as stand alone possible; for longer term desistance from crime combine with professional interventions and supportive measures for social reintegration
  - proportionality of contribution to costs with financial situation
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# visuality and implementation

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- read
    - the Council encourages member nations to bring new recommendations to attention
  - understand
    - the Council encourages member nations to have new recommendations translated into all their languages
  - legislate
    - the Council encourages member nations to implement new recommendations by providing the necessary or auxiliary legislation
  - act accordingly
    - the Council encourages member nations to ensure that the new rules are respected and exercised
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# Thank you for your attention and...

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wake up it's over...

