

Article 13 – Conditions and Safeguards

“In accordance with Article 15 of the Convention, each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Protocol are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties.”

- **Article 15, para. 1, of the Convention, and Explanatory Report 145-46**
 - Powers and procedures are subject to conditions and safeguards provided under domestic law, which shall provide for adequate protection of human rights and liberties, ... and which shall include the principle of proportionality.
 - Proportionality is implemented by each Party in accordance with relevant principles of its domestic law.
 - Adequate protection of human rights and liberties includes obligations Parties have undertaken pursuant to applicable international human rights instruments.

- **Article 15, para. 1, of the Convention, and Explanatory Report 145-46**
 - International human rights instruments
 - 1966 International Covenant on Civil and Political Rights (ICCPR)
 - For parties thereto:
 - 1950 Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols
 - 1981 African Charter on Human Rights and Peoples' Rights
 - Proportionality
 - For parties to the COE Convention for the Protection of Human Rights and Fundamental Freedoms: powers or procedures shall be proportional to the nature and circumstances of the offense
 - Other parties apply related principles of their law, such as limitations on overbreadth of production orders and reasonableness requirements for searches and seizures.

- **Article 15, paras. 2-3, of the Convention, and Explanatory Report 147-48**
 - Article 15, para. 2: Conditions and safeguards include, as appropriate in view of the nature of the procedure or power concerned, judicial or other independent supervision, grounds justifying application, and limitation of the scope and duration of such power or procedure.
 - Article 15, para. 3: To the extent consistent with the public interest, and in particular the sound administration of justice, each Party shall consider the impact upon rights, responsibilities, and legitimate interests of third parties.