Fact Sheet

Pillar IV

Ensuring Respect for Human Rights while Combating Terrorism

Under the fourth pillar of the strategy, Member States commit themselves to adopt measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism. They also pledge to take measures aimed at addressing violations of human rights and to ensure that any measures taken to counter terrorism comply with their human rights obligations.

CTITF members have pursued efforts collectively through working group on 'Protecting Human Rights While Countering Terrorism.' The activities of the Working Group include the development of practical tools, aimed at providing clear guidance as to how Member States can adopt human rights compliant measures in the context of counter-terrorism in ten specific areas.

The Working Group on Protecting Human Rights While Countering Terrorism has focused on the development of a set of Basic Human Rights Reference Guides to assist Member States in strengthening the protection of human rights in the context of counter-terrorism. These tools aim to provide guidance to state authorities, national and international non-governmental organizations, legal practitioners, and UN agencies as well as individuals, on how human rights compliant measures can be adopted in a number of counter-terrorism areas. The first five Guides deal with stopping and searching of persons, security infrastructure, detention in the context of counter-terrorism, the principle of legality in national counter-terrorism legislation and the proscription of organizations.

In 2008, the Working Group organised an Expert Seminar which focused on the impact of terrorism and counter-terrorism measures on the enjoyment of economic, social and cultural rights. The Working Group aims to continue convening workshops bringing together relevant stakeholders the international, regional and national levels to help facilitate the exchange of information and experiences. The Working Group aims to organize a number of workshops on a rotating regional basis, to facilitate meaningful participation of regional and national experts and practitioners working specifically on the issues examined, who can provide key first hand practical knowledge of the challenges and complexities encountered, as well as best practices to be recommended.

Apart from the activities taken by the working group, Task Force entities have also take measures in their individual capacity:

The Office of the United Nations High Commissioner for Human Rights advocates the promotion and protection of all human rights and the implementation

of effective counter-terrorism measures. The Office provides assistance and advice to Member States on the protection of human rights and fundamental freedoms while countering terrorism, including the development of human rights-compliant and anti-terrorism legislation policy and raising awareness of international human rights law among national law enforcement agencies. OHCHR promotes the enhancement of protection of human rights through leadership and advocacy, technical assistance and training, and the development of tools to assist practitioners, as well as deepening the understanding of international human rights obligations in the context of terrorism through focused research and analysis.

OHCHR also supports the work of the human rights treaty bodies, the Human Rights Council and its various special procedures mandates, which have continued to address concerns related to the compliance of Member States with their human rights obligations in the context of countering terrorism, and provide recommendations in this regard. Within the Counter-Terrorism Implementation Task Force, OHCHR also leads the Working Group on Protecting Human Rights While Countering Terrorism.

The Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, operating under the Human Rights Council, works to identify and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms. The Special Rapporteur also addresses allegations of human rights violations in the course of countering terrorism. He conducts visits to selected individual countries (7 country visits since 2006) and has engaged in correspondence with more than 40 countries about their law and practice and individual cases (119 communications since 2005). He reports to both the Human Rights Council and to the General Assembly. For additional information, please visit the website of the Special Rapporteur:
http://www2.ohchr.org/english/issues/terrorism/rapporteur/srchr.htm

The UNODC promotes a criminal justice based approach to terrorism, guided by the framework provided by the international legal regime against terrorism and implemented in full compliance with the rule of law and human rights. The Office has organized numerous meetings with a specific focus on human rights and has elaborated a number of technical assistance tools, available in all six official languages, which address challenges faced by policymakers, law enforcement agencies, prosecutors, defense counsels, the judiciary and correctional authorities. Technical assistance projects aimed at improving the management and operation of law enforcement agencies, the judiciary and penitentiary systems are also relevant in accordance with the United Nations Standards and Norms in Crime Prevention and Criminal Justice.

The United Nations Interregional Crime and Justice Research Institute has worked to identify best practices in the field of witness protection, with a spe-

cific focus on ex-terrorists or former organized criminal group members and victims of terrorism. Activities aim at improving skills of public prosecutors and other relevant investigating officials to optimize the use of information provided by witnesses in accordance with the right of defense and to promote appropriate approaches to victims of terrorism.

Under the Al-Qaida and Taliban sanctions regime, which is managed by the 1267 Committee of the Security Council, the Office of the Ombudsperson was created in accordance with Security Council resolution 1904, adopted on 17 December 2009. Individuals, groups, undertakings or entities seeking removal from the Consolidated List of the Al-Qaida and Taliban Sanctions Committee can submit their request for delisting to an independent and impartial Ombudsperson who was appointed by the Secretary-General on 3 June 2010 and took up office on 12 July 2010. The Ombudsperson is mandated to gather information and to interact with the petitioner, relevant states and organizations with regard to the delisting request, and present a comprehensive report on each request to the Committee. Based on an analysis of all available information, including that provided by the Monitoring Team, and the Ombudsperson's observations, the report will set out for the Committee, the principal arguments concerning the specific delisting request. The decision of the Committee on the delisting request will be communicated back to the Petitioner by the Ombudsperson.

The Security Council also established in Res 1822 (2008) adopted in June 2008 the requirement that a narrative summary of reasons for listing be prepared for each name on the List so that the basis for listing and other crucial information on relevant activities for each name would be posted on the Committee's website; The Security Council also established the requirement to notify each individual/entity of their listing or delisting within a set period.

For more information of the Strategy-related work of CTITF entities, see the Report of the Secretary-General "United Nations Global Counter-Terrorism Strategy: activities of United Nations system info implementing the Strategy" (A/64/818/ June 2010). The above inventory of United Nations counter-terrorism related actions is based on information provided by CTITF member entities.

For more information please visit: www.un.org/terrorism. For detailed information on the activities of CTITF working groups please visit:http://www.un.org/terrorism/cttaskforce.shtml

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