



# High-Level International Conference on Human Rights, Civil Society and Counter-Terrorism



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OFFICE OF COUNTER-TERRORISM



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For a Future Free From Terrorism: The Role of Human Rights, the Rule of Law and Civil Society Engagement in Effective Counter-Terrorism Efforts

## CONCEPT NOTE

### Introduction

This High-Level International Conference follows-up on the *Virtual Dialogue with Human Rights and Civil Society Partners on Building a Better Paradigm to Prevent and Counter Terrorism*, organized by the United Nations Office of Counter-Terrorism (UNOCT) and the Kingdom of Spain in May 2021. The Conference will bring together experts, practitioners and other key stakeholders from Member States, United Nations Global Counter-Terrorism Coordination Compact entities, international and regional organizations, human rights defenders and civil society partners for a robust and practical exchange of innovative ideas and experiences on how to build human rights and rule of law-compliant responses to terrorism, including a gender perspective and safeguarding the rights of children and victims of terrorism. Inclusive, participatory human rights and rule of law-based governance contribute towards building more resilient societies and are the basis for effective prevention and countering of terrorism.

During the two-day *Virtual Dialogue*, participants highlighted that respect for human rights and the rule of law is central to the international community's united front against terrorism, and in the balanced implementation of the United Nations Global Counter-Terrorism Strategy (GCTS). They also underscored the need to ensure that counter-terrorism measures are based in law, pursue a legitimate objective, and are proportionate to prevent abuse and human rights violations of persons impacted by such measures, including those suspected or accused of acts of terrorism. Moreover,

participants stressed the critical role of civil society in efforts to prevent and counter terrorism, including addressing the underlying conditions conducive to terrorism.

In his landmark report on “Our Common Agenda,” United Nations Secretary-General António Guterres called for a renewed social contract anchored in human rights and a revitalized multilateralism to tackle increasingly complex and interconnected problems. He also asserted that “when we protect human rights, we are tackling the root causes of terrorism.” The seventh biennial review of the GCTS consensually adopted by the General Assembly of the United Nations last June affirmed that any measures taken to counter terrorism must comply with international law, in particular international human rights law, international refugee law and international humanitarian law (IHL), and also encouraged Member States to create and maintain an enabling environment for civil society, including a legal framework that protects and promotes human rights, in accordance with international human rights law.

To this end, the Conference will feature the following five thematic working sessions:

**Session I: Human Rights and the Rule of Law as the Cornerstone of Effective Counter-Terrorism Efforts: *Addressing the misuse of counter-terrorism measures by enhancing the integration of the rule of law, human rights, and gender as cross-cutting elements***

Further to the “Secretary-General’s Call to Action for Human Rights,” which reaffirms human rights as central to the work of the United Nations, the seventh review of the GCTS underscored that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and are an essential part of a successful counter-terrorism effort, and further noted that failure to comply with these obligations was one of the contributing factors to increased radicalization. These principles were also emphasized during the Second Counter-Terrorism Week last June and the High-Level General Debate of the 76th Session of the General Assembly in September 2021. It is therefore vital to preserve and defend these fundamental values and operating principles while working together to prevent terrorists from destabilizing governments and societies. To achieve this, human rights should guide the development, implementation, oversight, monitoring and evaluation of comprehensive laws, policies, programmes, and measures to prevent and counter terrorism and violent extremism, with specific consideration given to gender and age dimensions.

This Session will bring together counter-terrorism and human rights experts to review and discuss human rights-related challenges in the field, and highlight case studies demonstrating the practical benefits of promoting and protecting human rights and the rule of law in regional, national and local counter-terrorism efforts, including with regard to the return and reintegration of foreign terrorist fighters. It will also touch on practical guidance and tools for practitioners on how to integrate human rights protection into counter-terrorism approaches. Moreover, the Session will consider the gender dimensions of counter-terrorism efforts, including gender mainstreaming and addressing threats to and violence against women human rights defenders and peacebuilders in line with Security Council resolutions 2493 (2019) and 2242 (2015); considering good practices for the effective integration of

gender and intersectional factors into counter-terrorism, and highlight the need to promote a full, equal and meaningful participation of women in preventing and countering terrorism. Following the call made in the GCTS to Member States to comply with applicable obligations under the Convention on the Rights of the Child (CRC), discussions will also include good practices in the implementation of obligations under the said Convention with respect to actions taken by Member States aimed at preventing the stigmatization of children with links to terrorist groups.

## **Session II: Protection of Principled Humanitarian Action: Guaranteeing that Counter-Terrorism Measures and Sanctions Comply with International Humanitarian Law**

Preserving humanitarian space amidst counter-terrorism measures, including sanctions is an issue of concern and a great challenge to the international community. Terrorist activity has caused displacement, endless human suffering and loss of lives, and has thereby exacerbated humanitarian crises. Terrorist activity has also impeded humanitarian action by obstructing the delivery of humanitarian services, as well as through threats and violence against humanitarian actors. At the same time, broadly conceived or improperly applied counter-terrorism measures have also been shown to negatively impact humanitarian action and actors, and, by extension, persons in need of assistance, including victims of terrorism. Despite growing momentum, the challenges that counter-terrorism policies and measures pose for the delivery of humanitarian aid have not been alleviated, and actions to mitigate their impact remain limited.

The Security Council, through resolutions 2462 (2019) and 2482 (2019), called on Member States to ensure that all measures taken to counter terrorism, including its financing, comply with IHL and urged them to “take into account” the potential effects of counter-terrorism measures on exclusively humanitarian activities, that are carried out by impartial humanitarian actors in a manner consistent with IHL. In his last report on the activities of the UN system in implementing the GCTS (A/75/729), the Secretary-General underscored that “upholding the impartiality of humanitarian actors and refraining from any politicization of humanitarian assistance is critical, given that humanitarian actors are increasingly operating in settings with an active terrorist threat and being targeted by terrorists.”

The GCTS similarly urged Member States to ensure that “any measures taken or means employed to counter terrorism” comply with their obligations under IHL and that “in accordance with their obligations under international law and national regulations, and whenever international humanitarian law is applicable, that counter-terrorism legislation and measures do not impede humanitarian and medical activities or engagement with all relevant actors as foreseen by international humanitarian law, noting the applicable rules of international humanitarian law relating to the non-punishment of any person for carrying out medical activities compatible with medical ethics.”

This Session will reflect on the ways in which overly-broad definitions or improperly applied counter-terrorism measures have impacted the delivery of humanitarian activities, discuss the challenges faced by humanitarian organizations operating in areas where terrorist groups are active, as well as

highlight international cooperation efforts and positive developments in this regard. It will also explore ways in which the COVID-19 pandemic and related restrictions may have exacerbated relevant concerns in this area. The Session will further underscore practical steps and good practices in the development and implementation of counter-terrorism legislation, policies, measures and operations in a manner that prevents or mitigates the negative impact on principled humanitarian action.

### **Session III: Victims and Survivors of Terrorism: *Upholding their Rights and Needs, and Paying Tribute to Them***

The seventh biennial review of the GCTS acknowledges the importance of building the resilience of victims of terrorism and their families as an integral part of a counter-terrorism strategy, and recognizes the important role that they can play, including in countering the appeal of terrorism. As highlighted in the Secretary-General's report on the activities of the UN system in implementing the GCTS, upholding the rights and needs of victims of terrorism, including victims of sexual and gender-based violence and children affected by terrorism, is central to accountability, healing and prevention in order for societies to break free from terrorist violence. However, the progress made in recent years risks being eroded owing to challenges related to the pandemic, which has placed additional burdens on victims by triggering or adding to their trauma, isolating them from support networks and limiting their access to vital social services.

Looking ahead to the upcoming first United Nations Global Congress of Victims of Terrorism, this Session will highlight the essential elements in developing human rights compliant as well as gender responsive and age sensitive national comprehensive assistance plans to support the rights and needs of victims of terrorism, which includes assistance and support, remembrance and recognition, access to justice, and compensation. This Session will be divided into two segments. The first segment will launch the Memories Campaign with the screening of a film, through which UNCCT will present the stories of a number of objects, as well as share the memories and emotions that they evoke to the owners. It will also allow audiences to relate to the victims, better understand the importance of remembrance, as well as honor and pay tribute to the victims of terrorism.

The second segment will be an interactive dialogue discussing the main thematic areas related to victims of terrorism, stressing the complementary nature of establishing national legislation with the development of national comprehensive assistance plans to uphold victims' rights, in order to address their needs, as encouraged in the GCTS. In this context, by integrating the Model Legislative Provisions for Victims of Terrorism, developed by UNOCT under the tripartite UN-UNODC-IPU initiative, Member States will ensure that efforts to prevent and counter violent extremism remain true to victims' needs and rights.

#### **Session IV: Civil Society Efforts for Preventing and Countering Terrorism: *Ensuring Measures to Prevent and Counter Terrorism Preserve and Promote an Enabling Environment for Civic Space***

The seventh biennial review of the GCTS encourages civil society to engage, as appropriate, in efforts to enhance the implementation of the Strategy, including through interaction with Member States and the UN system. This engagement can and needs to be further strengthened and supported, especially in identifying peaceful and sustainable solutions that will enable more effective and sustainable measures to prevent and counter terrorism. As such, sustainable peace is only achievable through the safeguarding of human rights, building of inclusive societies, and strengthening the resilience against recruitment to violent extremist groups and ideologies in local communities. Moreover, the GCTS notes the importance of affording civil society actors a safe and enabling environment to ensure their meaningful and transparent participation in public affairs, including with respect to efforts aimed at preventing and countering terrorism. At a time when civic space is shrinking and human rights defenders are on the backfoot, it is vital to ensure and safeguard comprehensive engagement with civil society in shaping counter-terrorism laws, policies and programmes at global, regional and national levels.

This Session will discuss the negative impact that counter-terrorism measures may have on the shrinking civic space, civil society organizations and, by extension, the groups and communities that these organizations represent. It will also highlight practical steps and good practices in the development and implementation of counter-terrorism legislation, policies, measures and operations in a manner that allows for the preservation and promotion of an enabling environment for civil society, as well as facilitate the participation of diverse civil society stakeholders, including women, youth and locally based actors, in the development and implementation of counter-terrorism strategies and approaches. Participants will further reflect on the outcome of the seventh biennial review of the GCTS and make recommendations on how to strengthen dialogue between a diversity of civil society actors and Member States under the auspices of the United Nations, as well as how United Nations Global Counter-Terrorism Coordination Compact entities can individually and collectively strengthen their engagement with civil society. Lastly, it will illustrate UNOCT's progressive engagement with civil society organizations through its regional and international conferences, the United Nations Global Counter-Terrorism Coordination Compact, capacity-building programmes and activities, and roll-out of its Civil Society Engagement Strategy.

#### **Session V: The Role of the United Nations Counter-Terrorism Architecture: *Challenges and the Way Forward***

In his first major institutional reform, Secretary-General Guterres established UNOCT in 2017 to provide strategic leadership on counter-terrorism mandates entrusted to the Secretary-General by the General Assembly, as well as enhance coordination and coherence to ensure the balanced implementation of the four pillars of the GCTS. The Office is also mandated to strengthen the delivery of capacity-building assistance to Member States; improve visibility, advocacy and resource mobilization for UN efforts on counter-terrorism; and ensure that due priority is given to counter-

terrorism across the UN system, and that the important work of preventing and countering violent extremism conducive to terrorism is firmly rooted in the GCTS. Additionally, the Office serves as the Secretariat of the Secretary-General's Global Counter-Terrorism Coordination Compact – the largest coordination framework within the UN, with 41 UN and three non-UN entities – which serves as the primary vehicle for coherent support to Member States.

Building on the outcome of the seventh biennial review of the GCTS, the Session will take a critical look at the role of UNOCT and the UN system in fostering human rights and rule of law-based counter-terrorism approaches and efforts to date, including how the Organization ensures human rights due diligence in the context of its counter-terrorism work delivered through the Global Counter-Terrorism Coordination Compact. It will also seek to identify good practices and ongoing efforts to strengthen civil society engagement, as well as explore further safeguards and additional measures to ensure progressive and consistent engagement with such actors, in line with the UN Guidance Note on Civic Space. This Session will further discuss how to sustain the efforts of Member States and civil society partners to strengthen the UN counter-terrorism architecture to better address new and emerging challenges, as well as capacity gaps and needs in the human rights-compliant implementation of counter-terrorism measures identified in the past two decades.