



# 2021-2022 United Nations Multi-Year Appeal for Counter-Terrorism



## Phase Two of the Modal Legislative Provisions Initiative, Implementation, Supporting Member States to Strengthen the Legal Framework regarding Victims of Terrorism

The project aims to provide technical assistance to Member States intending to review and strengthen laws and procedures to support victims of terrorism by making use of the model legislative provisions on victims of terrorism which are currently being developed by UNOCT/UNCCT, UNODC and the Inter-Parliamentary Union in an inclusive process involving Member States, victims' associations, academic experts and United Nations entities.

### Description of the Project

There is general agreement that victims of terrorism often have magnified and/or special needs which justify special treatment. Member States do not hold the legislative capacity to face the challenges related to the defense of the rights of victims of terrorism. There is therefore strong need to address those legislative gaps. Building on the joint development of Model Legislative Provisions for the victims of terrorism, **this project aims at enhancing the capacity of selected Member States to respond to those gaps through dedicated legislation that protects the rights of the victims.**

As part of the IPU-UN Joint-Programme on Countering Terrorism and Violent Extremism aimed to strengthen the capacity of national parliaments to play their role in these fields, the Inter-Parliamentary Union (IPU), the UN Office of Counter-Terrorism/UN Counter-Terrorism Centre (UNOCT/UNCCT) and the United Nations on Drugs and Crime (UNODC) have identified the development of model legislative provisions in support of victims of terrorism as a priority. In the framework of the joint programme, IPU, UNODC and UNOCT/UNCCT organised a series of expert online consultations on model legislative provisions on victims in 2020 and 2021. The meetings constituted a first step in drafting model legislative provisions on victims of terrorism that will be launched in 2021.

**This project represents the second phase of the model legal provisions initiative, and UNOCT and UNODC/UNCCT intend to use this tool to provide legislative advisory services to requesting Member States. The model legal provisions will be used as a framework to enable Member States to review and strengthen existing laws and procedures related to victims of terrorism and support Member States to develop legislation where no legislation exists. It will also allow for the systematization and promotion of the exchange of information regarding existing good practices.**

To ensure that the model legal provisions can be enacted at the national level, and building on the existing partnership between the entities to develop them, UNOCT/UNCCT and UNODC propose to support the implementation of the provisions in three Member States in 2021 and 2022. Engagement with these countries will begin with a joint needs assessment on existing legislation which will inform subsequent implementation needs and determine which additional UNOCT/UNCCT and UNODC thematic experts need to be engaged to support the implementation of the model legal provisions. Following the needs assessment, three workshops per country will be organized to: address gaps, good practices and establish a work plan; draft the national legislation; review and present the draft. The assessments to be conducted under this project will provide an in-depth analysis of the victims related legislation and institutions in place in the country (both specific to victims of terrorism and regarding victims of crime in general), which is an aspect that is addressed to a very limited extent if at all by CTC assessments. The final objective of the project will be to achieve an enhanced capacity of Member States to defend and protect the rights of the victims through the adoption of legislative measures.

### Rationale

In a new report on "Progress made by the United Nations system in supporting Member States in assisting victims of terrorism", the UN Secretary-General suggests that "Member States may also wish to consider developing national legislation that specifically addresses the rights, interests and needs of victims of terrorism". The Secretary-General's report states that the "gap between Member States' commitments to victims of terrorism and the effective implementation of such commitments at the national level needs to be narrowed.". The report, therefore, suggests that "Member States may wish to seek out model legislation, good practices and lessons learned from those jurisdictions that have effectively implemented practices and legislation that benefit victims of terrorism."

Victims of terrorism have specific needs that are different from other victims of crimes. These needs are primarily related to the nature of the act of terrorism and affect them in different ways. Building the capacity of Member States and CSOs, including victims' associations, and providing them with technical assistance, in particular, in drafting domestic legislation will help enhance, build, support and maintain the knowledge, skills and understanding of all those involved in promoting and protecting the rights and supporting the needs of victims of terrorism.

Victims of terrorism suffer severe, multiple and often life-altering injuries, even akin to crimes committed during a war, the seriousness of which needs to be recognized and addressed. They often require specific and often long-term treatment and rehabilitation to address the physical and psychological consequences of the attack. They may also need immediate and continuing financial assistance to cope with the consequences. Furthermore, attacks may involve sexual and gender-based violence, or harm children, further necessitating tailored responses.

Victims of terrorism may also suffer from negative media exposure. Also, since terrorism is often committed for an instrumental purpose against the public or government as the ultimate collective 'victim', individual victims can feel forgotten and unrecognized, and their needs may not be adequately addressed.

Victims of terrorism can also face significant obstacles in attempts to obtain justice, truth, and reparation, including because of the complexity of investigating terrorist crimes and the responsible conspirators or organizations, cross-border elements requiring international cooperation, and a large number of victims. Special measures may be required to ensure the privacy and security of witnesses, provide legal aid to victims to exercise rights of participation, and support victims to attend foreign proceedings.

In some contexts, victims of terrorism may be also associated with the terrorist group, such as for instance children or adults abducted by a terrorist group, who – while primarily victims – may also become perpetrators. These situations will require victim support approaches consistent with the comprehensive and tailored prosecution, rehabilitation and reintegration strategies that Member States are called to adopt pursuant to SCR 2396 (2019).

The COVID-19 crisis has had a significant impact on the manifestations of terrorism. The pandemic also influenced strongly the processes for adoption of national legislation delaying approval processes and redefining agendas and priorities according to the exceptional needs that the current situation demanded. Vital services for victims of terrorism, such as criminal justice processes and psychosocial and mental health support, have been interrupted, delayed, or ended. It becomes therefore crucial to be able to work on building the well-established and functioning rule of law systems that address all terrorist-related aspects, including the rights of the victims of terrorism. This raises the need for countries to be equipped with legislation that addresses these concrete needs and gaps.

### Outcomes

The project seeks to achieve the following outcome:

**Overall Outcome:** Achieving an enhanced capacity of Member States to defend and protect the rights of the victims of terrorism

The project will focus on three components over two years:

1. Assess existing gaps in legislation regarding victims of terrorism;
2. Assist Member States in promoting best practices to address those gaps;
3. Support the drafting of legislation to respond to those gaps.

### Outputs/Indicative Activities

The project seeks to deliver the following output through the implementation of the following indicative activities:

**Output:** Member States draft and eventually adopt laws based on model provisions and the incorporation of best practices.

- *National consultation missions*(or online meetings if travel is not possible). These missions will be held to evaluate priorities and needs with national counterparts from selected countries. This activity will entail an initial legislative analysis to identify gaps and provide responses based on Model Legislation. *(one per each beneficiary country)*
- *National workshops on gaps, good practices and work plan.* These workshops will be held on a national level to discuss the results of the consultation missions, an initial presentation of model provisions and how they can best be tailored to address the gaps. It will also be an opportunity to establish a roadmap/plan of action to work on a national legislation. *(one per each beneficiary country)*
- *National workshops on legislative drafting.* This activity will bring together experts and national stakeholders to work on a draft text of legislation taking into account national peculiarities. These workshops will be divided into two phases. The first will aim at preparing a first draft of the articles and the second phase will provide a presentation and final discussion on the drafted text.
- *Translation of the Model Provisions into local languages:* The provisions will be translated and printed into languages of beneficiary countries, should it be different from the six UN official languages, therefore ensuring global dissemination and use.

### Human Rights Mainstreaming

The expanded Programme will continue to advocate for the protection and promotion of victims of terrorism. All elements in the current or expanded Programmes contribute to protect and promote human rights as laid down in the Universal Declaration of Human Rights (UDHR) and other international human rights instruments. Nevertheless, it is important to identify key actors and highlight key recommendations made to Member States by UN human rights mechanisms, particularly the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, to ensure that they are properly embedded in the new Programme's body of work, and that the Programme achieves its intended goals.

In this context, victims of terrorism and their families are the primary rights holders, and Member States are the primary duty bearers. Inside of the broader group of rights bearers that the Victims Unit engages with, special attention is given to marginalised groups, especially women and children, particularly victims of gender-based violence and women and children associated with foreign terrorist fighters (in line with Security Council resolution 2396), and minority groups. Civil society organisations and the United Nations can also play important roles in their work with both the rights holders and the duty bearers, but ultimately their duty to protect and promote the human rights of victims of terrorism is secondary to that of a state.

In the implementation of the project, a human rights approach will be systematically mainstreamed. In the implementation of this project it will be crucial to put at the center the rights of victims of terrorism and the access to justice for persons accused of terrorism. When carrying out activities, a relevant set of initiatives will be undertaken to emphasize the importance of human rights while countering terrorism. In this regard, assessment visits, workshops and other activities will take fully into account the importance of human rights considerations.

### Gender Mainstreaming

UNODC and UNOCT/UNCCT have also committed to systematically and effectively mainstream gender and promoting gender equality and the empowerment of women in its programmatic activities and organizational policies and practices. UNODC and UNOCT/UNCCT strategic framework commit staff to mainstream gender concerns into the three pillars of the work programme of UNODC and UNOCT/UNCCT (normative work, research and analytical work, and field-based technical assistance work).

In most of the recipient countries, women are under-represented in institutions. The UN will seek to empower women in the institutions by insisting on the nomination of female participants. The project will systematically highlight gender issues related to assistance to victims to be included in legislation and where appropriate throughout its activities.

Promoting gender dimension within the legal provisions for victims of terrorism, will strengthen both the way that the criminal justice system deals with victims' cases, and the respect for women's rights and gender equality. The project will pay specific attention to how provisions differs between women and men, and in which female victims of terrorism-related offences may be affected by legislative measures differently.

### Budget

\$366,577.00

### Pillar

Pillar I -Addressing the Conditions Conducive to the Spread of Terrorism, Pillar IV -Ensuring Human Rights and the Rule of Law

### Project Status

Initiation

### Implementation Period

2021-2022

### UN Org

UNODC, UNOCT

### UN Global CT Compact Partners

### Countries

Global

### Current Donors

This project is currently funded by the Kingdom of Saudi Arabia, Spain, and Qatar.