**Talking points for an EU intervention at the Twenty-fourth session of the Advisory Committee of the Human Rights Council**

17 February 2020 at 12:00, Palais des Nations, Room XX

**"Negative Effects of Terrorism on the enjoyment of Human Rights"**

* The European Union would like to thank the drafting group of the Advisory Committee for its draft report on “Negative Effects of Terrorism on the Enjoyment of Human Rights” (A/HRC/AC/24CRP.1). The EU acknowledges the work of the drafting group as well as the complexity of the matter at hand.
* Nevertheless, we have a number of comments on the draft that we feel obliged to share with you today.
* Firstly, the EU is deeply concerned at the **lack of legal rigor** in the current text:
	+ Existing provisions of international human rights law and international humanitarian law are not always accurately reflected and many propositions are taken at face-value. There is little or no scientific or empirical verification to back up the claims and the number of references is rather limited.
	+ The fact that the report lacks a compelling legal analysis renders it vulnerable to criticism. Thus the EU is of the opinion that the draft report would benefit from a more rigorous and methodologically sound approach. It should be firmly rooted in existing international law.
* Secondly, the EU would like to see more **depth and balance** in the report:
	+ The text seems to work towards the conclusion that under international human rights law the State can be seen as a bearer of rights and thus as a victim that has to be protected. The European Union does not adhere to that view.
	+ Furthermore, the draft hardly talks about **the legal obligations of States** to ensure that any counterterrorism measure they take is reasonable and effective and in line with the principles of non-discrimination, proportionality and necessity, while to us observing human rights while countering terrorism of critical importance.
	+ In addition, the draft doesn’t really focus on **the rights of victims** although this has been the primary element for a number of years now whenever the concept of “effects of terrorism” is being discussed.
* With regard to **the recommendations** the European Union would like to share the following:
* Pertaining to the **proposal to establish a coordination system for national disaster risk reduction and management**, the EU has doubts and would like to ask how this body would fit into the existing Global Counter-Terrorism architecture which already encompasses a number of coordination structures. There is no mention in this section of the Global Counter-Terrorism Strategy, the Counter-Terrorism Committee, CTED,, the UN Office of Counter-Terrorism or the Special Rapporteur who acts as a UN Global Counter-Terrorism Coordination Compact Entity. The EU suggests rephrasing this recommendation into encouraging the OHCHR and other Geneva-based human rights mechanisms to further deepen their engagement with the already existing counter-terrorism structure.
* Furthermore, the EU is very concerned regarding the **recommendation to “prioritise the role of the media in providing the right information at the right time and promote theories of peaceful cohabitation and moderate ideas of thinking”**. This seems to suggest that the State has a role to play in determining what is “right” which would imply a serious infringement on the right to freedom of expression as contained in the International Covenant on Civil and Political Rights.
* The EU is also concerned about the vagueness of **the phrase “those involved in terrorism and in the preparation and planning”** since it opens the door to very broad interpretations.
* Other recommendations such as the one on “securing potential targets” **lack a clear** **human rights angle**.
* Lastly the EU is of the opinion that **paragraph 97 on action by civil society organisations** should at a minimum also highlight the importance of protecting civil society space and ensuring an enabling environment for civil society organisations and human rights defenders in which they are able to fully enjoy their human rights and fundamental freedoms. A healthy democracy and a vibrant civil society are the best guarantees for preventing terrorism.

Against this background, the EU encourages the Advisory Committee to review the report before adopting it and to defer adoption to a later stage if need be.

I thank you.