**UNOCT-UNCCT Virtual Roundtable of Counter-Terrorism and**

**Countering PCVE Entities**

**8 – 10 December 2020**

**Remarks of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Prof. Fionnuala Ní Aoláin**

Excellencies, Ladies and Gentlemen

The Special Rapporteur’s mandate welcomes the opportunity to join this roundtable of international and regional Centers addressing thematic areas where UNCCT is providing capacity building support to Member States in the implementation of the UN Global Counter-Terrorism Strategy.

My remarks address two specific aspects:

1) **the importance and added value of the 4th (human rights) pillar of the global counter-terrorism strategy**

2) **the necessity of integrating regional human rights instruments and institutions into regional planning.**

The timing of this Roundtable is particularly apt as the postponed season of Global Counter-Terrorism Strategy Review is upon us, and we are all reflecting deeply on how best to ensure a balanced implementation of the strategy. There is general awareness of the struggles to ensure the full and meaningful implementation of the 4th pillar, including sourcing the resources that are necessary to move us from ambition on rule of law and human rights to delivery.

In addressing the prescient challenge of the moving “human rights” from talismanic words to concrete programming and action I am very grateful for the **support of USG Voronkov, the strength of relationships with UNCTED, and the honest conversations** we are having across the Compact about what is required from conception to delivery of coordination and programming across entities to integrate human rights to conceptualization, design, delivery, and review of counter-terrorism policy and practice.

**It is worth recalling that human rights are not an abstract goods,** but concrete commitments to legal certainty, human dignity including the most fundamental of things freedom of torture, arbitrary execution, fair trial, fairness, non-discrimination and equality, privacy, family life, the right believe and practice one’s religious faith, the right to assembly peacefully, the right of expression. When we speak of human rights compliant counter-terrorism we mean directly and specifically ensuring that certain fundamental and non-derogable rights are absolutely protected. Simply put for example no counter-terrorism measure ever justifies the use of torture and where the United Nations engages proactively in supporting States to prevent terrorism and violent extremism, we do so by respecting and advancing these rights and not undermining them. A balanced approach to counter-terrorism reflects a broader balance in the UN Charter, of which rights and security are an integral part.

**Regionalism**

The Roundtable has rightly identified the importance of the regional dimension of counter-terrorism. This regional engagement has emerged in UNOCT’s work including, but not limited to, High-Level Regional Conferences as well as identifying regional opportunities to advance broader CT agendas. **This regional vista opens up a valuable avenue to engaging and integrating regional human rights norms and mechanisms as a means to directly and effectively leverage human rights into the regional counter-terrorism efforts.** It is worth noting that some our most sophisticated and effective human rights bodies and efforts are found in regional contexts. From the Council of Europe’s Human Rights Court and the important role of the Council of Europe Commissioner for Human Rights, to the Organization of American States’ Inter American Commission and Court, to the African Court on Human and People’s Rights which complements and reinforces the work of the African Commission on Human and Peoples Rights we have a host of vibrant, functional and engaged regional human rights bodes who should be part and parcel of this regional focus.

In addition, **we have seen important norm setting from regional entities which has supported, extended and strengthened international norms including the Arab Charter on Human Rights**, adopted by the Council of the League of Arab States in 2004. More presciently, **we have seen valuable norm strengthening specifically with respect to the interface between human rights and counter terrorism**. This includes the COE’s 2005 Warsaw Convention on the Prevention of Terrorism and its 2017 Additional Protocol, the 2002 Inter-American Convention Against Terrorism whose preamble notably affirms, “that the fight against terrorism must be undertaken with full respect for national and international law, human rights, and democratic institutions, in order to preserve the rule of law, liberties and democratic values in the Hemisphere, which are essential components of a successful fight against terrorism”.[[1]](#footnote-1) I also recall here, the statement of purpose to the ASEAN Charter which holds that it aims to: "To strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN".[[2]](#footnote-2)

In this context, **I think it is also particularly salient to be aware of the significant work that UNODC** has undertaken to support training, knowledge exchange and the embedding of regional approaches with the interesting bedrock of international and cross-cutting regional human rights standards.[[3]](#footnote-3) This work is also supported by the

 Office of the High Commissioner for Human Rights (OHCHR) which supports Member States nationally and regionally efforts to ensure that their security policies, strategies and measures are grounded firmly in respect for human rights and the rule of law. The field offices of OHCHR will be a critical focal point to ensure the quality assurance of regional human rights approaches being consistent with and leveraging international standards.

I think is **also important to stress regional approaches will also be functioning in the shadows of courts and commissions where access to adjudication on the human rights implications of counter-terrorism is nothing new** and has been part of the architecture of practice for decades. This has particularly salient implications for UN programming which will need to have sufficient and adequate human rights expertise, not only to adhere to UN due diligence obligations but also to be sufficiently expert and well-tooled to advise States on the precise and specific layers of human rights obligations that follow from regional commitments. The critical task for UN entities will be to ensure that we function to reinforce and support human rights practice and institutions at the regional nexus rather than dilute them.

**In regions where human rights regional systems are not in place**, these parallel regional models offer solid exemplars of how to integrate human rights practice, mechanisms and obligations into the ‘nitty-gritty’ of counter-terrorism practice. There is a breadth of human rights expertise and systems in place and the key opportunity offered by this regional focus from a human rights and rule of law perspective is see these as positive opportunities that might feedback into and close some gaping human rights gaps that have yet to be closed at the level of the global architecture.

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1. <http://www.oas.org/xxxiiga/english/docs_en/docs_items/agres1840_02.htm> [↑](#footnote-ref-1)
2. Article (2)  [↑](#footnote-ref-2)
3. <https://www.unodc.org/e4j/en/terrorism/module-8/key-issues/regional-human-rights-instruments.html> [↑](#footnote-ref-3)