Side-Event

**The importance of model legal provisions to develop and strengthen comprehensive national assistance plans for victims of terrorism**

June 25, 2021

Remarks of the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism

Side event

**Thank Ambassaador Santos Maravar for his kind introduction.**

Excellencies, distinguished guests. Note the significance of both Spain & Afghanistan leading this side-event, given their broader leadership on making the victims of terrorisms visible in global, regional and national discourses concerning counter-terrorism. I also want to affirm that Spain’s own practice on victims of terrorism is world-leading, and that starts from the ethical and moral starting point that victims of terrorism are rights-bearing individuals, whose entitlements are not a matter of charity or goodwill but based on the realization and affirmation of their fundamental rights as human persons. In this regard, I also congratulate Ambassador Augustin Santos Maravar not only for concluding a successful negotiation on the GCTS, but also in that process strengthening the language of the strategy on victims of terrorism in Ops 113-117 -- and here I applaud the affirmation of the human rights of victims, with gender-sensitive, child-rights based language firmly embedded in the text.

The mandate I hold as Special Rapporteur from the Human Rights Council, and as the only entity currently with the responsibility within the global CT co-ordination compact to oversee the intersection between HR and CT, I and my predecessor Ben Emmerson have made the victims of terrorism central to the work the mandate undertakes. From meetings with victims during country visits, to augmenting the normative protection of human rights for victims of terrorism in my reports to the GA and HRC, and enabling the moves to concrete and delivered rights, reparation, justice and acknowledgment in national settings. I was particularly pleased when the work of the mandate promoting and protecting the rights of victims of terrorism was recognized by HRC xxx, in the resolution sponsored by Mexico.

In this context, concrete and specific efforts to translate words of solidarity and support into practical and enforceable measures on the ground are essential. The efforts to develop model penal provisions of which my mandate has been pleased to be involved is indispensable work. This is our task to discuss today.

**Let me set out some of the challenges.**

1. **On the ground**

Based on the rankings of the Global Counter-Terrorism Index who suffer the most in terms of the sheer numbers of person killed, injured, maimed and compromised we know that the countries suffering the most, are often those countries with the less capacity and infrastructure to meaningfully support all victims equally over the long-term. While we place great deal of emphasis on national responsibility for victims of terrorism, when governments lack the social, medical, trauma, and legal system capacity and are struggling on multiple markers, it is clear to me that if we are serious about supporting victims of terrorism as a universal legal value, we have to enable and help build systems capacity, technical support and nationally legal infrastructures to deliver on the ground. Creative thinking on these kinds of mechanism does not yet meaningfully exist.

1. **Disaggregating the victims**

In my Report to the HRC this Spring I focused particular attention on the rights and needs of women and girls who are victims of terrorism. Gendering counter-terrorism means we need to have gender specific recognition of the ways in which women and girls experience trauma and harm but also how their societies treat them once harmed. We need to understand that in countries where women already experience inequality and structural discrimination, their capacity to be treated equally or even at all as victims of terrorism is extremely limited. Tackling gender discrimination experienced by women and girl victims of terrorism is essential if we are to avoid the horrific duality that women and girls be targeted by terrorists precisely because of their gender and experience a double harm by the failures to treat them equally in the aftermath.

1. **The language we use**

I note today we are primarily talking in terms of victims of terrorism and that nomenclature has its place and value. But, in my experience of meeting many individuals who have experienced and survived terrorism – victim is not always the word they use to describe themselves. Particularly true of young victims – I recall when visiting France, meeting with the many young victims of the Batclan attack- and their words about themselves were of power and reframing -- survivor, resistor, creator. We need to be careful that our efforts globally to address harms do not minimize the extraordinary survival and reimagination of life that those who have experienced harm can and will do.

1. **Human Rights as the Central Plank of Addressing victims and survivors of terrorism**

Victims of terrorism deserve the full recognition of their rights in all provision made with them, for them and on their behalf. We cannot accept less than the idea of full rights for those whose targeting is anathema to the concept of humanity and humanness. When individuals and communities are targeted indiscriminately, from maternity hospitals in Kabul to girls schools in Nigeria, we owe the victims nothing less that the full measure and support of the law, and the reaffirmation of their dignity and their full and equal place in society.

I now turn to our panel.

**Concluding Remarks**

**I am often brought back to the foundational works of the Universal Declaration on Human Rights born in the despair and darkest days of the denial of rights**

“All human being are born free and equal in dignity and rights ….”

The power of those words and the striving to make them meaningful and lived is particularly powerful for the victims of senseless, brutal, deliberate and inhuman harms. If human rights are not brought into service of the victims of terrorism we do disservice to rights and disservice to victims.