

## Submission for the Report to the Human Rights Council on Terrorism and Human Rights Use of Administrative Measures in Counter Terrorism

### Office of the High Commissioner for Human Rights

The International Centre for Counter-Terrorism (ICCT) is pleased to submit this input to the High Commissioner for Human Rights with the aim of informing the High Commissioner's report to the Human Rights Council, pursuant to resolution A/HRC/51/24, focusing on the use of administrative measures in counter terrorism.

The ICCT is a think-and-do tank based in The Hague, Netherlands. We provide research, policy advice, training and other solutions to support better counter-terrorism policies and practices worldwide. The present submission includes four of ICCT's key publications on administrative measures in counter-terrorism contexts pointing out their use by States as well as the risks and challenges associated with them:

Two policy briefs which constitute a result of [a two years project](#) in which the authors have developed the [GCTF Glion Recommendations](#) and organized four series of on-line workshops for participants from different regions.

1. [Mehra T., Wentworth M. and van Ginkel B., The Expanding Use of Administrative Measures in a Counter-Terrorism Context Part 1: In Need of Rule of Law Safeguards \(2021\)](#) The question this policy brief addresses is how and when administrative measures can be applied in accordance with human rights and rule of law safeguards. The paper explores and defines different types of administrative measures, sets out the limited number of exceptional cases in which the measures can be a legitimate and useful tool to curb a risk to national security, and assesses the different factors affecting the lawfulness of these measures. In doing so, consideration is given to the legal basis of the measures, the human rights affected, the procedural safeguards in place, and the substantive criteria necessary before recommendations are offered on how administrative measures can be applied in a rule of law and human rights compliant manner in the future addresses is how and when administrative measures can be applied in accordance with human rights and rule of law safeguards.
2. [van Ginkel B., Wentworth M. and Mehra T., The Expanding Use of Administrative Measures in a Counter-Terrorism Context Part 2: In Need of a Gender and Age-Sensitive Approach \(2021\)](#) This policy brief builds on the arguments made in the above-mentioned publication. It zooms in on the gender and age-sensitive considerations that need to be considered when assessing the impact and henceforth the adequacy, proportionality and effectiveness of the measures on the targeted individual, as well as on his or her direct social circle. It furthermore elaborates on the importance of monitoring the effectiveness of the specific measures and the evaluation of the legitimacy and effectiveness of the mechanism of administrative measures as a whole, zooms in on the gender and age-sensitive considerations that need to be taking into account when assessing the impact and henceforth the adequacy, proportionality and effectiveness of the measures on the targeted individual, as well as on his or her direct social circle.



Two additional ICCT's recent publications on administrative measures:

3. **Fluzin C., Administrative Measures, Human Rights, and Democracy in Turbulent Times (2024)**

This Policy Brief argues that the known risks associated with administrative measures may be magnified today by a combination of factors and pose new challenges. First, the broadening of the perceived terrorist threat, as it coincides with escalating social and political tensions in many democracies, contributes to obscuring the boundaries between activism, disorder, extremism (violent or not), and terrorism, increasing the risk of misuse as part of attempts to protect the public order. Second, the increasingly tense political climate displaying growing polarisation and escalating populist rhetoric raises additional risks of intentional abuse. Finally, it appears that the overreliance on administrative measures, even when prima facie compliant with the law, may also contribute to an erosion of some human rights and rule of law principles. In addition to causing harm to specific individuals or groups, the accumulation of these circumstances may also affect entire societies and undermine democracy altogether. This Policy Brief argues that the current backdrop calls for renewed caution in the use of administrative measures and a dramatic strengthening of existing safeguards and protections against arbitrary or unlawful uses. rief argues that the known risks associated with administrative measures may be magnified today by a combination of factors and pose new challenges.

4. **Mehra T., Deprivation of Nationality after a Terrorist Conviction: the Uncomfortable Truth (2024)**

While administrative measures are often used in the pre-crime space, they are increasingly being used in the post-crime space by imposing supervision orders after release from prison or by revoking nationality. Several States also allow for the deprivation of nationality after a conviction of a terrorist offence, which is seemingly less controversial but also raises serious concerns. This analysis sheds some light on how European countries have deployed the measure of deprivation of nationality, the human rights implications once convicted terrorists have been deprived of their nationality, the effectiveness of this measure in countering terrorism, and eventually offers a way forward.

We appreciate the opportunity to provide these comments. For inquiries about the submission, we may be reached at [info@icct.nl](mailto:info@icct.nl)