Dear Madam/Sir,

Please find below a submission on behalf of Statewatch regarding the OHCHR's call for input regarding the use of administrative measures in counter-terrorism. We apologize for the brevity of this submission; we are at your disposal to provide further information if so desired.

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We urge the Special Rapporteur to investigate the deployment of technology, technical assistance, advice and training through the United Nations Countering Terrorist Travel (CTT) Programme. The Security Council of the United Nations adopted three resolutions in 2014 (2178), 2017 (2396) and 2019 (2482) that require Member States to adopt a technological infrastructure to support anti-terrorist measures and international cooperation in that regard. The work being undertaken through the CTT Programme lays the basis for an international watchlisting infrastructure that will facilitate the use of administrative measures ("no fly" listings, travel bans, increased border checks and inspections) without sufficient safeguards for individuals or independent oversight.

The current unsupervised deployment of technology to counter terrorism via the CTT program threatens the protection of fundamental rights. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism stated in her report on the CTT Programme: “[The UN is] placing immensely powerful tools in the hands of States which may misuse them, intentionally or inadvertently, to jeopardize human rights, without any evidence of sufficient prior vetting, and without any practical or legal recourse to prevent or sanction such misuse.” This has been admitted by the UNOCT and the UNODC themselves in their assessment of the travel program where they recognize that the CTT Programme cannot enforce commitments contained in the memoranda of understanding signed with beneficiary states: “it would be unrealistic to expect the UNOCT to be able to address the behaviour of Member States should they violate the agreement.”

There are serious human rights concerns regarding beneficiary states of the CTT Programme, such as Azerbaijan, Sri Lanka, the Philippines and Nigeria. It remains unclear whether the Programme has conducted sufficient human rights due diligence to justify cooperation with these states - and if it has, how thorough any such due diligence procedures are.

Moreover, there is little public information available on the training and negotiations to set up technical and legal standards for CTT Programme. *Statewatch* filed a request for access to the memorandum of understanding between Belgium and the Programme, but this was refused on several grounds pertaining to national security and the risk of endangering international relations. Furthermore, the Belgian authorities stated that releasing the MoU would be contrary to the agreement itself, due to its provisions on confidentiality. Citizens are not being informed when these agreements are signed, and it is not clear if or whether parliamentary or other independent oversight is in place to monitor them.

We also wish to call the OHCHR's attention to ongoing changes to international conventions that fall within the ambit of UN agencies, such as the International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO). In the case of the former, the Chicago Convention has been amended to introduce legal obligations for the introduction of air travel surveillance and air passenger profiling systems by all member states; in the case of the latter amendments to the FAL Convention are moving in the same direction with regard to maritime transport.

These changes will open the door to the deployment of untested and unproven technologies for the purposes of detecting previously-unknown "persons of interest", as well as establishing an infrastructure for the international exchange of personal data, despite there being no global, binding legal framework on privacy and data protection. Even where there are national or supranational legal frameworks for this in place, they may not grant non-citizens the right to access personal data that is held about them, creating a major obstacle for individuals seeking access to remedies.

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Yours sincerely,

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