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## **Call for inputs: Report on the Impact of Counter-Terrorism on Peacemaking, Peacebuilding, Sustaining Peace, Conflict Prevention and Resolution**

**Observations or examples of any “negative impacts when counter-terrorism legislation and other measures are applied contrary to international law, which may harm collective counter-terrorism efforts and infringe upon human rights, including by impeding the work and endangering development, peacebuilding and impartial humanitarian action and civil society.”**

In this submission, CIVICUS provides examples relevant to the issue. The examples are drawn from data collected by the CIVICUS Monitor, a research collaboration and online tool that tracks civic space developments in 197 countries and territories. The list of examples should not be considered exhaustive.

The [CIVICUS Monitor](https://monitor.civicus.org/) has documented an increasing use of overly vague anti-terrorism legislation to stifle dissent, curtail the enjoyment of fundamental rights - especially the right to freedom of peaceful assembly and association -, and to impede the work of civil society.

**Europe and Central Asia.**

In [Turkey](https://monitor.civicus.org/updates/2021/02/25/student-protests-calling-academic-freedom-met-excessive-force-lgbti-students-targeted/), the Law on Preventing Financing of Proliferation of Weapons of Mass Destruction - adopted in December 2020, under the guise of combatting terrorism financing, threatens CSOs by permitting tighter government control giving the state the power to block donation campaigns of NGOs, and suspend their operations, allowing also the Ministy of the Interior to replace the heads of NGOs who face terrorism charges. As reported by Human Rights Watch, the bill introduces annual inspections of nongovernmental groups, which will severely affect their activities since the inspections frequently last months and reduce the group’s capacity to operate. It introduces severe fines if the Interior Ministry deems a group’s online fundraising unlawful. The Interior Ministry would also have the authority to suspend a group member from their position if they are under criminal investigation for an action in the course of their civil society activities that is punishable under Turkey’s vague and widely misused counterterrorism laws. The Interior Ministry could suspend the organization’s entire board or suspend its activities until further notice until a final court ruling is issued in the case. As Turkish prosecutors regularly open terrorism investigations into people for peacefully exercising rights to freedom of expression, assembly, and association this new law represent a serious threat.

In [France](https://monitor.civicus.org/updates/2022/04/21/associations-push-back-separatism-law-comes-effect-cso-tackling-islamophobia-dissolved/), counter terrorism legislation has been used to close down CSOs defending Muslims rights. The dissolution of several CSOs istaking place in a growing climate of Islamophobia and xenophobia within the French political and media landscape. Excesses of the fight against Islamism have changed from anti-terrorism to political and financial hindrance agasinst associations in which Muslism people participate and has become a ‘’witch hunt’’ that risks proving to be counter-productive.

**Americas.**

On 30 March 2021, Venezuela’s Interior Ministry published the [Administrative Ruling 001-2021](https://www.venezuelablog.org/wp-content/uploads/2021/04/Gaceta-Oficial-42.098.pdf) for the Unified Registry of Obligated Subjects, requiring all non-governmental and non-profit organisations in the country to provide sensitive information regarding their activities. Under the guise of fighting crime and terrorism, the measure required civil society organisations to register for monitoring and supervision that would include providing information such as their donors and partners, financial movements and identity of beneficiaries. According to Human Rights Watch, by using a broad definition of “beneficiaries,” the ordinance would establish an alarming requirement that humanitarian and human rights organisations reveal the identities of the victims and vulnerable communities that they serve.

Of serious concern is also the bill No 1595/2019, approved by the special committee of the chamber of deputies on 16 September 2021 and still under consideration in the Brazilian Parliament. This Bill, which amends Brazil’s anti-terrorism bill (2016), will empower security agencies to covertly monitor individuals or civil society organizations and severely curtail civic freedoms, as it expands the concept of ‘terrorism’ and the actions that can be considered ‘terrorist’ using overly vague language. For example, it stipulates that actions taken by individuals or collectively with the appearance of ‘intent’ to intimidate the public or impact on public policies may be subjected to criminal actions. The vague nature of these provisions may allow the authorities to subjectively interpret the bill and use it to target individuals or groups involved in peaceful protests.

In [Nicaragua](https://monitor.civicus.org/updates/2022/02/08/nicaragua-prosecution-and-conviction-several-political-prisoners/), in January and February 2022, authorities resumed the prosecution of over forty political prisoners - including human rights defenders, political opponents, journalists, business leaders, students and diplomats - holding ‘’express’’ trials marred by procedural irregularities. According to a statement from the Public Prosecutor’s Office, published on 31st January 2022, the detainees were indicted under the Sovereignty Law (No. 1055), as well as the Constitution and other criminal laws and accused of undermining peace and security and of promoting terrorist acts and an “attempted coup” in 2018.

**Africa.**

In November 2021, the Parliament of [Zimbabwe](https://monitor.civicus.org/updates/2022/05/11/proposed-law-threatens-cso-space-opposition-faces-brutal-repression-ahead-elections/) tabled the Private Voluntary Organisations Amendment Bill, which seeks, amongst other things, to provide the government with unfettered discretionary power to overregulate and interfere in nongovernment organisations’ governance and operations. For example, the provisions of the Bill provide the government with unchecked power to designate any PVO as “high risk” or “vulnerable” to terrorism abuse, thereby allowing them to revoke a PVO’s registration and remove or replace its leadership.

**Asia Pacific.**

[CIVICUS’ findings](https://findings2021.monitor.civicus.org/asia-pacific.html) show that the most widespread civic space violation documented in the Asia region in 2021 was the use of laws restricting the freedoms of association, peaceful assembly and expression, occurring in at least 21 countries. Among the legislation most often used to stifle dissent are laws related to national security and anti-terrorism. In the [Philippines](https://monitor.civicus.org/updates/2020/04/01/civil-society-philippines-decry-restrictive-laws-smear-campaigns-and-judicial-harassment/), a new anti-terrorism law passed in record time in the middle of the pandemic includes a broad definition of terrorism that gives law enforcers exhaustive powers and provides few safeguards against abuse, leaving it open to exploitation by those seeking to silence dissent. It will also grant Philippine police and military personnel the power to detain suspects without a warrant or charge for up to 24 days for investigation and relaxes accountability for law enforcement agents who violate the rights of suspects, particularly those in detention. Further, the broad role of the Anti-Terrorism Council under the new law places people’s liberty rights at considerable risk. The council can now designate individuals and organisations as terrorists without any hearing, as long as it sees “probable cause” that they commit, attempt to commit or are part of a conspiracy to commit acts defined and penalised as terrorism under Sections 4 to 12 of the law. In July 2021, the law was signed by President Duterte and was [upheld by the Supreme Court](https://monitor.civicus.org/updates/2022/02/03/journalists-and-activists-remain-risk-philippines-election-looms/) in December 2021. In [China](https://monitor.civicus.org/updates/2022/04/11/activists-and-journalists-china-face-persecution-during-and-after-winter-olympics/), the government continued to detain scores of HRDs and ethnic minorities under broadly defined and vaguely worded offences under the 2012 amendments to the Criminal Procedure Law such as ‘subverting state power, endangering state security, terrorist activities’’. This law allows ‘’residential surveillance in a designated location’’ (RSDL), a legalised form of enforced disappearance, marked by physical and psychological torture. In [Hong Kong](https://www.civicus.org/index.php/media-resources/reports-publications/5137-hong-kong-a-year-on-the-national-security-law-has-crushed-civic-freedoms-in-the-territory), the draconian National Security Law has been weaponised to target dozens of democracy and opposition activists and journalists and has led to the closure of several civil society groups.

National security and anti-terror laws such as the repressive Unlawful Activities (Prevention) Act (UAPA) have been systematically abused in [India](https://monitor.civicus.org/country/india/) by the government of Prime Minister Narendra Modi to keep dozens of HRDs in pre-trial detention on baseless charges and deny them bail. In Sri Lanka, ten Tamil men and women were arrested under the widely-condemned Prevention of Terrorism Act (PTA), which has long enabled prolonged arbitrary detention and torture, in the eastern coastal village of Kalkudah in May 2021 for holding a vigil to mark the thousands of Tamil civilians who were killed in the final months of fighting between the Sri Lankan government and separatist Liberation Tigers of Tamil Eelam (LLTE) in 2009.

In [Myanmar](https://monitor.civicus.org/updates/2022/05/10/arrests-activists-journalists-continue-myanmar-military-tribunals-impose-harsh-sentences/), pro-democracy activists were arrested, faced fabricated charges - including of terrorism - and given harsh sentences including the death penalty, by secret military tribunals. Charges of incitement, sedition and terrorism are used also to criminalise journalists (at least 26 were jailed in 2021). The junta has arrested more than a 200 people for their social media posts in support of the anti-regime movement and for allegedly encouraging others to take part in the strike by committing on social media to close their shops. The junta said that it would charge the alleged strike supporters under the Counter-Terrorism Law, and that those found guilty of violating the laws were subject to having their property confiscated.

**Middle East and North Africa.**

The detention of activists and journalists under the excuse of being part and/or of being financed by terrorist groups is also a common tactic in the Middle East to stifle criticisms and violate fundamental rights.

In [Egypt](https://monitor.civicus.org/updates/2022/06/16/prominent-human-rights-organisation-ceases-operation-violations-continue/), authorities expanded the definition of terrorism and terrorist entities and their financing in their laws. As highlighted by the Committee for justice, Egypt has extended its definition of “terrorist entity” to include associations, organisations, groups, gangs and cells, potentially including companies and unions, and the language in the law could enable designating all potential gatherings as such. This definition is also incorporated in the definition of “terrorist financing’’. The law’s definition of “money”[[1]](#footnote-1) used to finance terrorism and of ‘’funding’’[[2]](#footnote-2) terrorism has also increased the risks of implementing these texts and legitimised the seizure of individual and public property. Egyptian authorities continued also to use charges of joining a terrorist group, inciting a crime, and spreading false news against journalists.

On 22nd February 2021, Lebanon’s military prosecutor charged at least 35 people, including at least 2 children, with terrorism, forming criminal associations and stealing public property in relation to their participation in protests. Of those, 19 were arrested in their homes, workplaces and on the streets, with most of those arrested forcibly disappeared for periods of one to five days in Military Intelligence facilities. One family said that their 15-year-old son was tortured into signing a confession and others reported being beaten and tortured.

The situation for [Palestinian](https://monitor.civicus.org/updates/2022/02/15/palestinian-csos-branded-terrorist-organisations-and-surveilled-pegasus-spyware/) civil society organisations continues to [deteriorate](https://www.un.org/unispal/document/un-high-commissioner-for-human-rights-bachelet-calls-israels-terrorism-designation-an-unjustified-attack-on-palestinian-civil-society-press-release/) following Israel’s designation of six Palestinian civil society organisations as "terrorist organisations" under Israel's Counter-Terrorism Law of 2016 on 19th October 2021. Without adequate substantive evidence, these decisions appear arbitrary, and further erode the civic and humanitarian space in the occupied Palestinian territory. They can therefore legitimately be viewed as an attack on human rights defenders, on the rights to freedoms of association, opinion and expression, and on the right to public participation. Israel's continuous policy of restricting the space for legitimate activities of civil society is inconsistent with its obligations under international human rights law. It also threatens to limit further the space for peaceful dialogue

In [Tunisia](https://monitor.civicus.org/updates/2022/06/22/violations-civic-freedoms-continue-amid-president-saieds-power-grab/), in March 2022, Khalifa Guesmi, a correspondent for the country's leading radio station *Mosaique FM,* was detained under anti-terrorism laws, after he refused to reveal his sources. Guesmi was released a week later but is still facing charges. If convicted he could face 20 years in prison.

**Assessment of the impact of counter-terrorism frameworks on various constituencies, communities or civil society actors.**

Often attacks on civil society, which usually lead to the curtailment, among other fundamental rights, of freedom of peaceful assembly are made with reference to upholding national security and stability, countering terrorism and combating extremism. The main targets are usually civil society organisations which are those more capable of mobilising crowds and those usually considered by governments as threats to national security as well as foreign agents. CIVICUS Monitor shows that this is now a marked trend not only in countries run by authoritarian regimes but also in supposedly mature democracies such as the UK, France and USA. In those states which restrict civil society on the grounds of national security, groups and individuals that express dissent risk accusations of promoting terrorism and instability. This effect is amplified in excluded groups. Ethnic, religious and ideological minorities are often depicted as anti-national, extremists or terrorists. This has led to attacks against civil society with reference to upholding national security and stability, countering terrorism and combating extremism – for example, in Jordan, Saudi Arabia, Sudan, and Serbia, where a list was published of CSOs and journalists to be probed for links with terrorism. In Niger, a new law authorises the interception of phone communications in the context of the ‘fight against terrorism and transnational crime’.

1. ‘’Money: is all assets and property of any kind, whether material or moral, movable or immovable, including documents and national or foreign currency, monetary or business instruments and documents, and bonds - in any form - proving all the above-mentioned, and all rights associated to any

   of them.’’ [↑](#footnote-ref-1)
2. ‘’Funding: is collecting, receiving, possessing, supplying, transferring or providing funds, weapons, ammunition, explosives, equipment, data, information, materials or other, directly or indirectly, by any means, with the intent to use it, fully or partially, to commit any terrorist crime or the knowledge that it will be used for that, or providing a safe haven for one terrorist or more, or for whoever is funding him by any of the above-mentioned methods.’’ [↑](#footnote-ref-2)