



## **“Pact for the Future” must reinvigorate real-world respect for human rights while countering terrorism**

**Statement by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul**

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“I welcome the renewed commitment of the international community to protect human rights while countering terrorism, declared in the [Pact for the Future](#) adopted at the [Summit of the Future](#) this week – but regret the absence of concrete human rights measures and safeguards.

Action 23 of the Pact (‘We will pursue a future free from terrorism’) in part declares that: ‘The promotion and protection of international law, including international humanitarian law and international human rights law, and respect for human rights for all and the rule of law are the fundamental basis of the fight against terrorism and violent extremism conducive to terrorism’.

**Every reaffirmation of human rights while countering terrorism is welcome. The challenge now is to transform rhetoric into meaningful action.**

For decades countries have loudly proclaimed their commitment to human rights while countering terrorism, in many resolutions of the General Assembly, Security Council and Human Rights Council, and in the Global Counter-Terrorism Strategy. Yet, for decades in many countries human rights have been trampled or eroded in the name of national security.

The compounding effects of two decades of intensifying Security Council measures, coupled with unilateral experimentation in counter-terrorism measures by many countries, has increasingly hollowed out human rights.

**While the Pact mentions human rights generally, it says nothing explicitly about remedies and accountability for violations of human rights while countering terrorism.** In the past year, I have heard countless stories of justice denied to victims of egregious state violence.

**At the very least, concrete action on human rights at the national, regional and international levels requires:** (a) strengthening human rights risk assessments of proposed counter-terrorism laws and measures, (b) enhancing training and oversight of law enforcement, security, intelligence and military personnel, (c) making human rights protections more enforceable, (d) adequately funding human rights and accountability mechanisms, including at the United Nations, and (e) ensuring the inclusive and meaningful participation of civil society.

**It is also disappointing that the Pact does not mention the rights of victims of terrorism –** whose interests should be at the heart of all counter-terrorism efforts.

**I welcome that the Pact pledges to redouble efforts to address the ‘conditions conducive’ to, or the ‘drivers’ of, terrorism.** The Global Counter-Terrorism Strategy identifies these conditions to include ‘prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance’.

**Addressing the structural conditions underlying terrorist violence remains one of the weakest links in global counter-terrorism efforts.** Law enforcement and militarized responses continue to prevail and are often very well-resourced. By contrast, efforts are often gravely deficient, and woefully under-funded, to advance socio-economic rights, combat poverty and inequality, promote inclusive, participatory and responsive governance, and prevent or resolve conflict and build sustainable peace.

**I also welcome that the Pact disassociates terrorism from any religion, civilization or ethnic group,** given the clear risks of stereotyping, discrimination, stigmatization and unjustified profiling of certain groups while countering terrorism.

Article 23 of the Pact is largely based, albeit selectively, on the existing international consensus on countering terrorism derived from the Global Counter-Terrorism Strategy and United Nations resolutions. In addition to the issues already mentioned, it condemns terrorism; encourages strengthening state capacities and the United Nations’ role; and calls to enhance United Nations coordination and cooperation with regional organizations.

**Among the few specific substantive issues addressed by the Pact are the calls on countries to address terrorist propaganda, financing, and recruitment, as well as ‘the threat posed by the misuse of new and emerging technologies,** including digital technologies and financial instruments, for terrorist purposes’. In this respect, I emphasize that **all such efforts must be designed and applied in a manner consistent with international law, relevantly including:**

- The protection of freedoms of expression, association and assembly, including when suppressing ‘terrorist’ or ‘violent extremist’ content online;
- The safeguarding of humanitarian and medical activities under international humanitarian law, including in relation to transfers of funds and assets; and
- A tailored, risk-based approach to the activities of not-for-profit organizations in the context of countering terrorist financing.

**I am disappointed that the Pact is one-sided in not also drawing attention to the threat of misuse of new technologies by countries while countering terrorism,** including mass digital surveillance, ‘spyware’, facial recognition, traveler information, watchlists, drones, and artificial intelligence. The increasing adoption of such technologies by governments – coupled with deficient regulation, oversight and accountability – have entailed grave violations of human rights while countering terrorism and pose serious risks of future violations.

**The Pact also does not mention the need to ensure that counter-terrorism responses are sensitive to intersectional vulnerabilities, including gender and age, among others.**

Article 23 ends by calling for the conclusion of a comprehensive convention on international terrorism, which countries have been attempting to negotiate at the United Nations for the past 23 years. The lack of an agreed definition of terrorism, which respects human rights and humanitarian law, remains a common source of human rights violations while countering terrorism. Many over-broad national definitions of terrorism criminalize legitimate activities, or conduct that is otherwise not genuinely ‘terrorist’, and trigger numerous other intrusive legal measures, often resulting in cascading rights violations. **The protracted delay in adopting a convention has not only failed to constrain abusive national definitions but has also denied new possibilities for transnational cooperation and justice for victims of terrorism.**

After barely one year as Special Rapporteur, I am already deeply frustrated at seeing the same violations of human rights law while countering terrorism that my predecessors identified over the past two decades. Persistent violations of human rights destroy human dignity, thwart justice for victims of terrorism, and fuel more terrorist violence. **The Pact for the Future is a rare and precious opportunity to reset – to make the price of violating human rights unbearable for any country, and to make respect for human rights the ‘new normal’.**”

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**Website:** <https://www.ohchr.org/en/special-procedures/sr-terrorism>