

Protecting Human Rights While Countering Terrorism

Website:

www.un.org/terrorism/workgroup9.shtml

Members:

- Office of the High Commissioner for Human Rights (OHCHR) (lead)
- Counter-Terrorism Committee Executive Directorate (CTED)
- International Maritime Organization (IMO)
- Office of Legal Affairs (OLA)
- Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism
- United Nations Interregional Crime and Justice Research Institute (UNICRI)
- United Nations Office on Drugs and Crime (UNODC)

Additional Partners:

- International Committee of the Red Cross (ICRC)
- United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
- United Nations High Commissioner for Refugees (UNHCR)

Purpose:

The mandate of the Working Group on Protecting Human Rights While Countering Terrorism is derived from the Pillar IV of the 2006 UN Global Counter-Terrorism Strategy: measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.²⁴⁶ According to Secretary-General Ban Ki-moon, the Global Strategy “underlines that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but mutually reinforcing.”²⁴⁷

A number of states have failed to uphold human rights while implementing their counterterrorism obligations. Therefore, the Office of the High Commissioner for Human Rights (OHCHR) leads the working group in its efforts to support member states to implement the fourth pillar of the Global Strategy. The group works towards this goal by facilitating the exchange of information on human rights concerns in the context of counterterrorism, by promoting best practices, and by developing practical tools to assist states.²⁴⁸

In 2008, the working group organized an expert seminar on the impact of terrorism and counter-terrorism measures on the enjoyment of economic, social, and cultural rights (ESCR).²⁴⁹ The five-session seminar and resultant report focused on the effect of counterterrorism on ESCR, the link between ESCR and civil and political rights, means of monitoring the effects of counterterrorism on ESCR, and the linkages between conditions conducive to terrorism (as set forth in the first pillar of the Global Strategy) and ESCR.²⁵⁰

In the same year, the working group cooperated with the Special Rapporteur on the promotion and protection of human rights while countering terrorism to organize an expert meeting on international aviation law, to discuss best practices in the protection of human rights in counterterrorism policies in aviation.²⁵¹

The working group also focuses on specific areas of concern determined by an assessment conducted by the Special Rapporteur on the promotion and protection of human rights while countering terrorism and the Office of the High Commissioner for Human Rights (OHCHR). This assessment specifies ten counterterrorism areas addressing a variety of civil, political, social, and cultural rights that OHCHR and the Special Rapporteur feel require additional attention. These ten areas include

- detention,
- conformity of national counterterrorism legislation with international human rights law,
- proscription of organizations,
- sanctions against individuals or entities,

- interception of communications,
- stopping and searching of persons,
- searching of premises and seizure of documents or other property,
- designing of security infrastructure,
- demolition of housing or other private property,
- use of firearms, particularly in the context of suicide terrorism.

The working group has begun to develop a set of basic human rights reference guides to inform state authorities, UN agencies, and individuals on implementing human rights measures in these specific counterterrorism areas.²⁵² The first two human rights reference guides were launched in September 2010 and dealt with the stopping and searching of persons and security infrastructure. The guides are available on the internet and supported by a compilation of documents and relevant treaties and reports.²⁵³

The working group has developed additional tools to assist member states, including the OHCHR fact sheet, *Human rights, Terrorism, and Counter-Terrorism*, which illustrates the relationship between counterterrorism and human rights and highlights relevant standards and principals that must be respected.²⁵⁴ In addition, the working group has helped to develop the UN Office on Drugs and Crime Handbook on “Criminal Justice Responses to Terrorism,” which offers guidance on international standards and accepted practices to law-enforcement and criminal-justice officials as they respond to terrorism and related crimes.²⁵⁵