



**Virtual Dialogue with Human Rights and Civil Society Partners
to Build a Better Paradigm to Prevent and Counter Terrorism**

**Session I “The Imperative of respecting human rights
in counter-terrorism efforts”**

**Oral statement of the International Commission of
Jurists (ICJ)**

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Human rights are the effective counter-terrorism strategy

Madam Special Rapporteur, Your Excellencies, Colleagues,

Thank you very much for the organizing this consultation.

The International Commission of Jurists has been working for decades to ensure that counter-terrorism measures are compliant with, and do not lead to violations and abuses of human rights and the rule of law.

The ICJ has produced authoritative guidance, such as the ICJ Berlin Declaration on Upholding Human Rights and the Rule of Law in Combating Terrorism of 2004 and a four-year study concluded in 2009 by the ICJ Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights, the result of 16 hearings across the globe.

That Panel concluded that the approach many States had taken in short-circuiting foundational rule of law and human rights principles caused “enduring long term harm.”

The ICJ has been insistent that countering terrorism and protecting human rights are important objectives that not only are not in conflict, but are part of a single shield of protection that States must provide for.

This finding is as valid today as it was then, as the Global Counter-Terrorism Strategy itself recognizes that “when counter-terrorism efforts neglect the rule of law ... and violate international law ... they not only betray the values that they seek to uphold, but they may also further fuel violent extremism that can be conducive to terrorism.”

In this regard, we are concerned at the possible use in the UN Global Counter-Terrorism Strategy of undefined concepts and terms, like “violent extremism”, “violent nationalism”, political concepts of “far right” and “far left” or “extremism”.

The abusive invocation of these terms carries risks for the protection of freedom of expression, freedom of religion and belief, freedom of association and the right to political participation, all protected under international human rights law.

Critically, from a rule of law perspective, legal certainty is a key principle of human rights law that informs the requirement that any legitimate restrictions of human rights including when countering terrorism must be prescribed by law.

Any undefined or widely defined concept of terrorism or extremism should not be promoted or applied in international instruments, standards or strategies, that, where incorporated into national laws and practice, would lead to violations of this international human rights law violations.

In this regard, we share the assessment by the Special Rapporteur on the promotion and protection of human rights while countering terrorism in her 2020 report to the UN Human Rights Council ([A/HRC/43/46](#)) and by the OHCHR in its Report on best practices on countering violent extremism ([A/HRC/33/29](#), para. 19).

Concepts like “violent extremism”, nationalism, political opinions and other forms of religious, ethnic, or other belief or opinion, however extreme, cannot be part of the GCTS, as they are otherwise protected by international human rights law guarantees to protect the rights to freedoms of expression, religion or belief, and/or of association.

Furthermore, their insertion would water down the anti-terrorism focus of the strategy and lead the way to the application of very pervasive measures clearly restrictive of human rights for conduct that is not linked to terrorism.

The Global Strategy should focus exclusively on countering terrorism. Any more expansive approach will risk leading to measures in breach of human rights law and, therefore, of the founding values of the UN under article 2 of the Charter.

I thank you.

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