Statement on Resolution 34/8 entitled "Effects of Terrorism on the Enjoyment of All Human Rights"
By Ambassador Amr Ramadan
The Advisory Committee

Distinguished members of the Human Rights Council Advisory Committee
Excellencies,
Ladies and gentlemen,

Allow me at the outset to express my deep appreciation to the work of the Advisory Committee and its expertise and to seize this opportunity to share with you the background, objects and purposes of Resolution 34/8 entitled "Effects of Terrorism on the Enjoyment of All Human Rights", and the mindset of the Human Rights Council at the time of adopting the resolution in order to assist the Committee in implementing its mandate and avoid any deviation in the scope as was the case with the preliminary draft report of the Committee on the resolution of "Illicit Funds", and keeping in mind that the role of the Committee according to HRC Resolution 5/1 is to provide expertise to the Council in the manner and form requested by the Council, focusing mainly on studies and research-based advice.

The Background:

1- Since March 2015, Egypt along with a core Group of Algeria, Jordan, Morocco and Saudi Arabia took the initiative to submit a resolution at the Human Rights Council (HRC) on effects of terrorism on the enjoyment of all human rights. It was clear then that the nature of international terrorism has changed beyond recognition, especially during the last few years. The number of extremist terrorist organizations and attacks has increased in number and scope and their mode of operation has developed such that some now control large areas of territory, have fractured the territorial integrity of States, are well funded and active in recruiting foreign fighters, and participate in protracted and widespread armed conflict. The consequences of terrorism remain widespread and dire, not only for those directly affected by the gross violations of human rights perpetrated by terrorist groups, but also more broadly, through proliferation of armed conflicts and massive displacement of civilians from areas controlled by terrorist groups.

2- International human rights law requires States to protect human rights with due diligence, which entails the obligation to prevent and counter terrorist activities. Referring to the positive obligations of States to ensure rights under the International Covenant on Civil and Political Rights, the Human Rights Committee specified that these obligations "will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities.

3- The Committee further stated that "there may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States of those rights, as a result of States permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities".

4- The Human Rights committee has adopted a similar resolution submitted by Algeria up to 2004. Before 2015, The Human Rights Council has been involved in addressing the issue of terrorism through a resolution submitted by Mexico focusing on states' responsibilities to protect human rights while countering terrorism. The question of States' obligation to protect human rights against terrorism has been absent from the HRC work. The Core group led by Egypt believed that such a gap should be fulfilled. Some EU States claimed in 2015 that Egypt decided to submit this resolution to take advantage of Mexico's decision to biennualize its resolution. The reality is that the question of the effects of terrorism on human rights was not properly tackled by the HRC, and regardless of the Mexican biennualization decision, such an issue of dire importance had to be addressed properly by HRC, taking into consideration that the HRC adopts different resolutions addressing the same issue from different angles such as the case with the rights of women, children, migrants and journalists.

5- In same context, the HRC convened two Special Sessions on Da'esh and Boko-Haram which reflect the importance of addressing the effects of terrorism on the enjoyment of human rights, which is partially addressed selectively in country-specific resolution such as the resolutions on human rights situations in Syria and Libya.

II. Object and purpose of the resolution:

6- The Resolution on effects of terrorism on the enjoyment of all human rights adopted by HRC since 2015 serves the same goal through emphasizing on *States obligations to protect the human rights of individuals on their territories against terrorism.* The drafters of the resolution have been very cautious not to request non-state actors to be obliged by international law, nor to give them an elevated status in the Council.

7- The resolution is generic in nature as it mentions no region nor religion nor group of persons and aims at endorsing a victim-based approach by the Council as well as emphasizing on four main elements:

a. Unequivocal condemnation of all acts, methods and practices of terrorism and incitement thereto in all its forms and manifestations, as criminal and unjustifiable, and expressing grave concern at the detrimental effects of terrorist acts on human rights.

b. Emphasizing the importance of international cooperation in promoting and protecting human rights against terrorism.

c. Reaffirming States' obligations to promote and protect human rights through preventing and countering terrorism, as well as denying all forms of support for terrorist groups, including political, military, logistical and financial support and the increasing phenomenon of foreign fighters, and to take appropriate measures to bring to justice those engaged in such acts, as well as to deal with the underlying causes of terrorism.

d. Affirming that the objectives of countering terrorism and the protection and promotion of human rights are not conflicting but rather complementary and mutually reinforcing, and that States must ensure that any measures taken to counter terrorism should be in line with

national legislations and in conformity with international law, in particular international human rights law and international humanitarian law.

8- In 2015 and 2016 the focus of the Resolution was on the effects of terrorism on human rights, including the right to life, liberty and security of person. The new elements in resolution 34/8 adopted by HRC in its 34th Session aim at taking stock of the economic consequences of terrorism and evaluates the impact of terrorism on the enjoyment of economic, social and cultural rights. Terrorist attacks have the potential to gravely impact the economy, cause damage to a nation's domestic economy, and harm several economic sectors, thus hampering the full realization of human rights, fundamental freedoms and development. Terrorism can impose costs on a targeted country through diverting foreign direct investment (FDI), reducing capital inflows, destroying infrastructure, redirecting public investment funds to security and limiting trade, examples for these effects are widespread in all regions of the world including Europe, the Middle East and Africa.

9- The resolution does not entail any budgetary costs. It requests the Advisory Committee of the Human Rights Council to study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural rights, and to recommend on actions by Governments, UN human rights mechanisms, regional and international organizations and civil society organizations in this regard, and to present the report to the Human Rights Council at its thirty-ninth session.

III. The Mindset at HRC:

10- The Core Group of this resolution; namely Egypt, Algeria, Jordan, Morocco and Saudi Arabia, has worked in good faith and constructive manner with our partners and accommodated most of their concerns and had to manage the different and sometimes conflicting amendments that have been received from different delegations, in a manner that does not contradict with the crux or the orientation of this resolution. In the course of negotiations on the draft resolution, we have accommodated more than 70% of the proposals by our partners from the EU. Nevertheless, EU members of the HRC decided to vote against the resolution declaring that they prefer that the Council adopts one resolution on the issue of terrorism. The EU statement before the vote highlighted the fact that many of the EU proposals were taken into consideration, yet the EU still looks for having one resolution by the HRC on terrorism.

11- The resolution as it stands reaffirms that States must ensure that any measures taken to counter terrorism should be in line with national legislations and in conformity with international law (which is the essence of the Mexican resolution). It further emphasizes that states have an obligation to protect human rights against terrorism and terrorist groups, an element that has been absent in the Council's work since its inception in 2006. We believe that the two approaches are complementary and should be addressed by HRC. Egypt has always endorsed the approach of the Mexican resolution. Yet, the EU and the US have not shown political will to endorse the Egyptian perspective,

though they have endorsed it in Special Sessions and country-specific resolutions of HRC.

12- We regret the fact that few countries were not able to perceive the resolution on its reality rather than false impressions, on the merit of its text rather than unwarranted philosophical backgrounds, while continuing to advocate concerns that are neither in the text nor are the intention of the co-sponsors. This approach is regrettable and only leaves these countries behind the international community's serious commitment to protect human rights against terrorism.

I look for the discussions with the committee on the implementation of its mandate, and wish you very successful deliberations

Thank you