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Item 3 of the provisional agenda **Requests addressed to the Advisory Committee stemming from Human Rights resolutions:
Negative effects of Terrorism on the enjoyment of human rights**

 Draft report on Negative Effects of Terrorism on the Enjoyment of Human Rights

(draft report, July 19 2018,) prepared by Ambassador Mona Omar, Rapporteur of the drafting group

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1. Introduction

1. Recalling Human Rights Council resolution 34/8 of 23 March 2017 in which the Council requested the Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights.

2. On behalf of the UNCHRC, I have the honor to submit to the Human Rights Council, for its further consideration, a document on “The Negative Effects of Terrorism on Human Rights, with emphasis on Economic and Social Rights”.

3. The report was prepared by the Advisory Committee, in close consultation with all UN Member countries and all relevant UN agencies and non-governmental organizations specializing in this field (a detailed list is annexed).

4. The Commission will be grateful if the present letter and its annexes could be brought to the attention of the members of the Council for further consideration and issued as a document of the Council.

1. Mandate and Background

5. This report is submitted pursuant to Human Rights Council resolution 34 /8 on the “Effects of Terrorism on the Enjoyment of all Human Rights”. Paragraph 20 of the above mentioned resolution requests the Advisory Committee to conduct a 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, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth”.

6. In order to prepare for this report, the Committee sought, through notes verbale, input from member states through their permanent missions in New York and Geneva, international and regional organizations, national human rights institutions and non-governmental organizations. Contributions were captured and represented in a non –comprehensive manner in our report.

 III. Introduction and Definition

7. Unlike conventional warfare, which allows for the measure of success in terms of the ability to inhibit and eventually end enemy capacity to wage armed conflict, terrorism represents a far more amorphous and ambiguous phenomenon. In the case of terrorism, enemy resources and capabilities are significantly less visible, making it virtually impossible to assess the prospects of a future attack or their cessation. Moreover, terrorism belongs to a far feebler class of violent acts than war, both in terms of the number of causalities that it produces and in term of social and economic impact.

8. Despite the pressing need for a universally accepted definition of terrorism, and the significant impact that this would have on current and future anti-terrorism efforts, there is no universal agreement or official definition of terrorism. Definitions tend to rely heavily on who is doing the defining and for what purpose. Moreover, governments, concerned with prospects of being placed under scrutiny as a result of the inclusion/ exclusion of groups of non-state actors, have been reluctant to formulate an agreed upon and legally binding definition. That said, academic definitions agree that terrorism is a combination of violence, politics, and sociology and psychology – often including the threat of violence. They tend to focus on the neutrality of the definition to be used, highlighting that “a terrorist is not a freedom fighter, and a terrorist is not a guerilla. A terrorist is a terrorist no matter whether or not you like the goal /s he is trying to achieve , no matter whether or not you like or not the government he is trying to change”.

9. To reach a comprehensive, objective, definition of terrorism as a foundation for this report, the Commission reviewed terrorism as defined by a number of international, regional and state actors, as highlighted below:

(a) According to the Federal Bureau of Investigation the definition of terrorism is “the unlawful use of force or violence against persons or properties to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives”;

(b) The US State Department describes terrorism as “premeditated, politically motivated violence perpetrated against non-combatant targets by sub –national groups or clandestine agents, usually intended to influence an audience”;

(c) The Arab Convention for the Suppression of Terrorism defines terrorism as “any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people causing fear by harming them, or placing their lives, liberty or security, in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize national resources”;

(d) The definition of terrorism adopted by the European Union in 2002 is “an act which may seriously damage a country or an international organization, committed with the aim of seriously intimidating a population, or unduly compelling a government or international organization to perform or abstain from performing any act, or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization”;

(e) During an address to the United Nations, Archbishop Silvano Tomasi, the Permanent Observer of the Holy See to the United Nations in Geneva noted that “Acts of terrorism cause the destruction of human rights, political freedoms and the rule of law. Terrorism is the antithesis of the shared values and commitments which serve as the basis for peaceful coexistence domestically and internationally”.

 IV. Negative effects of Terrorism on the enjoyment of human rights and fundamental freedoms

10. Terrorism touches all aspects of human rights as defined by all declarations, covenants and conventions. The rights set forth in the Universal Declaration of Human Rights stipulate the right to equality, freedom from discrimination, the right to life, liberty, and personal security, freedom from slavery, and freedom from torture and degrading treatment. Terrorism has slammed and affected almost every sphere of human life, be it economic or political or social. Compared with other traumatic events, such as natural disasters, terrorist attacks tend to distress people who were nowhere near an incident and who knew nobody caught up in it. That is partly because of the seemingly random nature of attacks It also shows how disturbing the idea of an “enemy within” is. In the case of suicide attacks, the terrorist’s fanaticism adds a dimension of horror.

* Terrorism has marked effects on the enjoyment of the most fundamental of human rights – the right to live. Innocent victims of terrorist acts lose their right to life, an inalienable, constitutional right that is well grounded in the Universal Declaration of Human Rights. The right to life, which ensures enjoyment of all other rights, is of crucial significance for all humanity. In targeting specific groups of people by their acts of terrorism, terrorists also infringe upon rights to equality and freedom from discrimination. In this regard states bear the primary responsibility in preventing and countering terrorism and extremism and protecting people within their jurisdiction against terrorist acts;
* Related to the right to live is the right of the victims whose rights to life, liberty and security have been violated. In addition to those killed and the survivors, victims of terrorist acts include relatives and dependents of those killed, injured or abducted, other persons who may have suffered harm in intervening to assist them”;
* It should be recalled in this regard that, according to Human Rights Committee, States Parties to the International Covenant on Civil and Political Rights have the duty to take appropriate measures to protect the right to liberty of persons against deprivation by third parties and against abduction or detention by terrorist groups operating within their territory. A resolution of The UN GA resolution 72/246, stressed the state’s primary role in protecting all people living on its territories from terrorism, through taking all effective measures to combat terrorism and pursue culprits.

 V. Negative Effects of Terrorism on Economic Rights

11. While the human cost of terrorism is devastating, the economic impact may be larger than most realize. Terrorism imposes significant economic costs on societies and leads not only to direct material damage, but also to long term effects on the local economy. The identification and the estimation of these economic effects of terrorism has received broad attention in economic literature and research, especially since the events of 9/11. That said, a number of factors influence the cost of terrorism to a country s economy, namely: the diverse nature of terrorism, the economic resilience of an economy and security levels.

12. Terrorism will not only cause primary economic impact, but will also produce considerable secondary (or indirect) impact. This secondary economic impact is the result of an interdependent economic system in which terrorist attacks cause the disruption of economic entities which have not been direct targets of the attack. The economy of an area affected by terrorism suffers an immediate impact due to loss of property and funds used to repair buildings and infrastructure damage. It also suffers long term effects as financial markets slowly recover from the shock of the attack.

13. According to the new Global Terrorism Index, the cost of terrorism to the world is estimated at 52.9 billion dollars (2014) - the highest since 2001. This represent a tenfold increase on the figure in 2000, and a rise of 20 billion dollars on the previous year. Since 2005, it is estimated that terrorism has cost Iraq $159 billion, which constituted 32% of the country’s GDP in 2004. In Nigeria, it is estimated that terrorism caused foreign direct investment flows to drop to $6.1 billion in 2010 – a decline of nearly 30% on the previous year. Equally, around the world, the 10 countries most affected by terrorism, saw decreased GDP growth rates between 0.51% and 0.8%.

* Terrorist events not only lead to material and immaterial costs for those who have become victimized, but also forces local and national authorities to spend billions on the prevention of terrorism and the detection , prosecution and punishment of terrorists. The economic impact of the 9/11 events, for example, are estimated between USD 25-60 billion;
* The impact of terrorism is always negative on the economy, and physical destruction is a large reason why. Terrorists destroy existing plants, machines, transportation systems, workers and other economic resources that can destroy billions of dollars’ worth of property and senselessly kill thousands of productive workers. Productive resources that might have generated valuable goods and services are destroyed, while other resources are almost invariably diverted from other productive uses to bolster the military and defense. None of these create wealth or add to the standard of living;
* If the stock market can be considered a barometer of economic confidence, it is remarkable to see how quickly it regresses after a terrorist attack. Markets that have been subjected to terrorist attacks lose investor confidence and take considerable time and concerted efforts to rebound. Indeed, the negative effect of terrorist acts on financial markets is one of the clearest aspects of terrorism. Since share prices reflect expected future gains of a company, a terrorist act will negatively influence the share prices, resulting in decline in expected profits as security measures increase, pushing up the costs of production and trade costs, with a result on the decreasing consumption rates. Risk premium will increase due to uncertainty. So, negative effects will start even before the act of terrorism, only by the expectation of it;
* Another important effect is the connection between terrorism, or even its threat, and migration flows. Countries that undergo or even face the threat of a terrorist attack, are likely to face a brain drain, as talented individuals seek residence in more secure, safer locations. The economic cost of this is considerable, and it is estimated that it is generally missed from estimates of the economic costs of terrorism;
* Terrorism has the negative effect of reducing the capacity of states to invest in economic or socially benefiting projects;
* Terrorism systematically influences tourist’s choice of destination and can, therefore, substantially negatively affect a host country. Moreover, the effect is long lasting and has also an impact on the demand for tourism in neighbouring countries, not to forget mentioning the effect on supporting industries and services. There is no denying that tourism is an industry which is majorly affected by terrorism, political conflict and natural disasters, as the demand and supply can be sensitive to these types of events. It is even suggested tourists are targeted by terrorists, as they are viewed as “easy “targets, as well as ambassadors for their country, and as a symbolic representative of hostile governments. To this end, it is also important to note the effect of terrorism on the airlines industry, and the resulting effect of unemployment, for receiving fewer tourists;
* A case in point is the abduction and killing of tourists in the Kenyan coast and foreign aid workers in North Eastern Region have led to foreign countries issuing adverse travel advisories to their citizens thus affecting the Tourism sector in the country. Foreign Investors were kept away after the attacks, with devastating effects on the local economy;
* The largest economic effect of terrorism on the economy is a rise in spending on security and defense, and the impact on supply chains of enhanced security at land, sea, and border crossings;
* Terrorist acts have a very negative effect on investment - not only in terms of the amount of investments, but also on its composition. They cause its redirection to safer countries;
* Not only do terrorist acts increase the sense of insecurity and uncertainty for foreign traders, it also increases transaction costs and can lead to the destruction of export goods (oil pipes for example). According to researchers Nitch and Schumacher (2004), countries targeted by terrorism will trade less with each other than countries not affected by terrorism. These effects are large - a doubling of the number of terrorist events reduces bilateral trade flows by 4%;
* Cyber terrorism is another aspect of the negative economic consequences of terrorism, as it requires that organizations and companies invest more in security measures to protect their strategic information systems against cyber terrorists who have long term goals. To this end, cyber terrorism is becoming very alarming. It is increasing in complexity and financial costs as more and more corporations have started to utilize computers in the course of doing business. The fear of random, violent victimization blends well with the distrust and outright fear of computer technology. It is also very attractive for terrorists, who value their anonymity; as well as its potential to inflict massive damage, be it psychological or economic, or social. On the other hand, and as most critical infrastructures, especially in developed countries, is networked through computers, the potential threat of the cyber terrorism, is a real threat. The growing dependence of our societies on information, increases the threat of providing access to data that can cripple or at least disable the military, financial and service sector of state economies.

Terrorist events influence three main types of economic actors, namely:

1. Individual households: surveys show that terrorist attacks have:
* Negative effect on reported life satisfaction and produce more;
* Fears and risks, with repercussions on the psychological; and
* Medical state of individuals at the household level.

(b) The private sector (companies, and firms): the actual direct losses of terrorism depend on the nature of the attacks (property damage or ransom payments for hostages etc.);

(c) The public and local authorities: Costs for the public sector arise whenever public infrastructure or buildings are destroyed (including military structures and equipment). Due to a terrorist act, these economic agents suffer from impact through losses in physical and human capital, and, at the same time, they themselves may influence the economy through their immediate responses to the violent shock that occurred.

 VI. Effects of Terrorism on the Social Rights

“In addition to the casualties and physical destruction directly caused by their attacks, terrorists seek to inflict wider psychological, social, political and economic damage upon the societies they target”(kLEIN, a.2007. The costs of terror; The economic consequences of global terrorism. Konrad-Adenauer-Stiftung Analysen& Argumentnte).

(a) Due to the lack of studies and documented information dealing with a wide range of variables that affect this issue, measure societal coping or effects of terrorism, is problematic. However, we will try to provide a partial picture of this issue. Social effects of (terrorism can include injury, death, and psychological trauma. Accordingly, the following parameters will be used in an attempt to measure the impact of terrorism on societies:

* Perception of the degree of personal security (as reflected in public opinion polls);
* Perception of confidence in the government and its policies (as reflected in public opinion polls and election results);
* The psychological impact of terrorism (as reflected in studies on post-traumatic stress disorder among terror survivors).

(b) For those who live in countries affected by terrorism, everyday life is coloured by the uncertainty that comes with not being able to know if you are safe .They may develop psychological coping mechanisms to deal with this high level threat of risk of harm. In general, after terrorist acts, people suffer from post – traumatic stress disorders, anxiety and major depression. Additionally, survivors of terrorist attacks are more vulnerable to substance abuse issues and psychosomatic symptoms after an attack. Children are especially vulnerable to the negative psychological effects of living under threat of a terrorist attack. These children are usually, more likely than adults, to suffer from PTSD, anxiety or depression, as a result;

(c) A strand of the growing number of studies on terrorism focuses its attention on the effects that terrorist attacks as well as dissemination of terrorist ideologies have on the wider public’s risk perceptions, security sentiments, value formation, policy preferences, political preferences, and political self – placement, electoral choices, attitudes towards ethnic minorities and immigrants;

(d) On the other hand, terrorist attacks, may as a reaction, strengthen bonds between citizens, boosting trust among people. Terror- management and group – threat theories argue that, following a terrorist event, people tend to cling to their cultural worldviews more closely, opposing outsiders and associating more strongly with in –groups. Such reactions strengthen in –group tolerance and solidarity, but may give rise to intolerance and suspicion towards outsiders.

 VII. Effects of Terrorism on the enjoyment of Cultural Rights

Cultural Rights are rights related to art and culture, both understood in a large sense. The objective of these rights is to guarantee that people and communities have an access to culture and can participate in the culture of their selection. Cultural Rights are human rights that aim at assuring the enjoyment of culture and its components in condition of equality, human dignity and non-discrimination.

Freedom to create art is increasingly recognized under international law as an important human right. Rights to artistic freedom and creativity are explicitly guaranteed by international instruments; most importantly, Article 15 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

Terrorism has affected and damaged cultural industries and artistic freedom and cultural heritages, on several continents over the past 20 years. However, few studies have described the short as well as the long term effects of this terror on arts and culture. According to UNESCO’s 1980 Recommendation, freedom of expression is an essential prerequisite for all artistic activities, and as extremism and some fanatic ideologies bearers, prevent artistic expressions and freedom of speech. Member states should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights.

What are the motivations and the effects of destroying cultural sites? There is a form of extremism and radical ideologies that sees the very existence of sites that are celebrating other people faiths or culture as a challenge. In some cases it is not due to a religious statement as much as a political one, in many European countries, we can find churches where many statues are headless. Terrorists also destroy heritage to shock the world and as the effects of images of destroying cultural sites can be more horrifying than even images of dying human beings, as they speak of the destruction of a whole city, a society, a nation, a civilization, and a way of life. The destruction represents not just the destruction of those immediately living alongside these monuments, but of entire generations.

* Terror attacks on artistic expressions and destruction of cultural heritage may derive from state as well as non-state actors. Non –state actors such as Taliban , Al Shabab , Da esh /IS , Ansar El Dine , have made numerous attacks on cultural sites, artists, cultural events and citizens attending theatres, movies and concerts ..etc. Citizens and artists in Afghanistan, Pakistan, Somalia, Syria, Mali, Iraq, Russia (Dubrovka theatre) have been severely affected by these supposedly religiously motivated attacks. However, western countries have also witnessed severe attacks leading to fear, self-censorship and financial losses;
* Destruction of cultural heritage has a disastrous effect on the enjoyment of cultural human rights. Two examples immediately spring to mind. The first is Palmyra, the world heritage site and ancient city in the Syrian Desert, which has fallen in the hands of Daesh /ISIL. The other, is the Taliban’s destruction of the Buddha’s of Bamiyan in Afghanistan in 2001. These are few examples of many, as we saw other examples in Mosul Museum in Iraq, When there is minor damage to an ancient structure, there are attempts to sensitively restore it, but in the case of destruction, nothing can be done. In this instance, the cost goes beyond mere monetary value, and extends to the total loss of the non-monetary value to human civilization;
* While the ICC opened a case against the suspects of destroying the cultural heritage in Mali, nothing has been done against the perpetuators of the massive destruction of cultural and historic sites in countries like Iraq or Syria. Illicit trade of the cultural heritage of countries has also been used to finance terrorist activities;
* Another example of the violation of cultural rights, and according to the Permanent Mission of Kenya to the UN Office in Geneva, “Terror networks have taken advantage to radicalize and recruit youths, mostly from poor economic backgrounds to join Al Shabab and ISIL terror groups, most of these youths have been recruited in mosques, schools and universities. It is estimated that up to 400 youths may have been radicalized in the country”. The attacks on learning institutions led to anxiety of students and their families, thus causing temporary closure of these institutions and depriving students from their right to learn;
* As Islam and Christianity are the two largest religions in most of the countries, the attacks on churches and mosques led to religious conflicts between Muslims and Christians, hence infringing on freedom of worship and threatening national security in these countries;
* The Security Council deplored on 24th of March 2017, the unlawful destruction of cultural heritage, religious sites and artifacts, and the smuggling of cultural property by terrorist groups during armed conflict, affirming that such attacks might constitute a war crime and must be brought to justice.

Unanimously adopting resolution 2347 (2017 ), the 15 members of the Council recalled its condemnation of any engagement in trade involving ISIL in Iraq and the Levant, Al-Nusrah front, and all other individuals or groups associated with Al-Qaida . It reiterated that such engagement could constitute financial support for entities designated by the 1267/1989/2253 ISIL (Daesh) and Al-Qaida Sanctions Committee. The Council stressed that member states had the primary responsibility to protect their cultural heritage, and that efforts must comply with the UN Charter and respect the principle of sovereignty.

The Director General of UNESCO, said the destruction of cultural heritage was a war crime and tactic of war, and that defending that heritage in this regard that while states must step up efforts to protect those historical properties, they should respect principles of Sovereignty and Non- interference in others internal affairs.

 VIII. Recommendations

 Action by governments:

These may include:

* Coordination among countries, of measures and actions, to predict and alert from a potential threat of terrorism act;
* Prevent terrorist acts, through exchange of intelligence information and exchange of expertise, and capacity building;
* Set a public warning system and emergency plans to act swiftly and professionally, in the fastest possible way in case of terrorist acts to protect the civilians and the infrastructure and all cultural heritage sites. Create a one stop portal for the public to send useful information to the authorities;
* Provide assistance to victims of terrorism, in the form of medical and post traumatic assistance, offer compensations;
* Organize awareness campaigns and trainings to help securing the civilian population on the event of terrorist attacks, and to enable them to detect signs of extremism leading to violence;
* Prioritise the role of the media in providing the right information on the right time and promoting the theories of peaceful cohabitation and the moderate ideas and thinking;
* Control ways and means to finance terrorism and take legal decisions in this regard, to cut the funding;
* Apply severe penalties on individuals and organisations involved in terrorism. This applies not only to the people who carry out the attacks but also to those who are involved in the preparation and planning;
* Ban the websites hat use hate speech or call for violence or discrimination;
* Special planned programs for youth that can be recruited by terrorist groups, so as to prevent their fall down to these vicious groups;
* Prevent radicalisation in prisons;
* Put emphasis on education as the best way to prevent inserting wrong ideologies in the youths brains .Teachers and youth workers have to try to recognise this and report their suspicions to the police and criminal justice authorities;
* Address root causes of terrorism and avoid all sorts of discriminations, establish a sound system of social security, create job opportunities;
* Secure potential targets (people, organisations, strategic buildings);
* Cooperate with other countries and parties to resolve conflicts and establish peace and security in their region.

 Action by UN Human Rights mechanisms

These may include:

* Support all governments in their efforts to combat terrorism, and strengthening their capacities in this regard;
* Insist in all communications with governments on the need to take all measures to prevent terrorist acts and protect all human beings against them;
* Call on all countries to take judiciary measures against perpetrators of terrorist acts who are depriving civil citizens from their basic human right, their right to live;
* Take measures to stop xenophobic and discriminatory policies;
* Make full use of alert and information analysis to keep the flow of information provided to the states, assisting them to prevent any crisis situation leading to the breach of Human Rights;
* Call on countries to respect and ensure the basic human rights of migrants and refugees, without making use of terror as a pretext for the curtailment of fundamental rights and liberties of these refugees;
* Provide all sorts of technical assistance to the states confronting terrorism, including capacity building programs and awareness campaigns about human rights.

 Action by the civil society organizations

These may include :

* Provide prompt information to the states and through them to the UN relevant bodies, related to any detected threats or potential terrorist attacks;
* Intensify their efforts in the protection and assistance provided to the victims of terrorism;
* Lead and promote all efforts contributing towards the elimination of all discriminatory acts, any racism based on ethnicity or gender or religion;
* Contribute in the intercultural dialogue, and avoiding racial or religious profiling, stereotyping and generalisations;
* Intensify their activities within the socially disadvantaged communities and cooperate with the governments in order to promote the solving of their economic and social problems, and avoid social tension disturbances.