

## EU intervention at the Twenty-fifth session of the Advisory Committee of the Human Rights Council

17 February 2021 at 13:00

### "Negative Effects of Terrorism on the enjoyment of Human Rights"

The European Union takes note of the fact that the report on "*Negative Effects of Terrorism on the Enjoyment of Human Rights*" has not yet been finalised by the Advisory Committee. In this regard, the EU acknowledges the work of the drafting group, as well as the complexity of the matter at hand.

The EU therefore takes this opportunity to reiterate the comments it made during the 24<sup>th</sup> session of the Advisory Committee with regard to the draft report issued by the Advisory Committee on 22 January 2020<sup>1</sup>. These comments were primarily focused on issues of lack of legal rigour, the need to deepen and balance the draft, as well as on certain problematic aspects of the recommendations made in the draft report.

In particular, the EU considers that the report's findings should be firmly rooted in international law and would benefit from a more rigorous and methodologically sound approach.

The EU also underlines the need to deepen and balance the report in two main regards:

- First, the report should cover **the legal obligations incumbent on States** to ensure that all counterterrorism measures are reasonable, effective and in line with the principles of non-discrimination, proportionality and necessity. In this regard, the EU considers that States are not to be considered as victims needing to be protected under international human rights law.
- Second, the EU believes that **the rights of victims** of terrorism should be adequately addressed in the report.

As to the recommendations made in the discussed draft report, the EU would like to recall the following concerns:

- With regard to the recommendation to create a so-called "**coordination system for national disaster risk reduction and management**", it is necessary at least to indicate how such system would fit into the existing Global Counter-Terrorism architecture. More generally, the EU suggests rather to encourage the OHCHR and

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<sup>1</sup> A/HRC/AC/24CRP.1.

other Geneva-based human rights mechanisms to further deepen their engagement with the existing counter-terrorism structure.

- Furthermore, with regard to the recommendation to “*prioritise the role of media in providing the right information*”, in the EU’s view, it should not be suggested that States have a role to play in determining what is “**right**” information.
- The EU is also concerned about the vagueness of the designation of “**those involved in terrorism and in the preparation and planning**” and the absence of a human rights angle regarding the recommendation to “**secure potential targets**”.
- The EU moreover considers that it is necessary to underline the importance of protecting civil society space and ensuring an enabling environment for **civil society** organisations and human rights defenders. In a context where misuse of counter-terrorism law and practice is widespread, where political opponents, civil society actors and human rights defenders are increasingly labelled as “terrorists”, “violent extremists”, “threats to national security” and “enemies of the state”, it is crucial to recall that a healthy democracy and a vibrant civil society provide the best guarantees to prevent terrorism.

Lastly, the EU welcomes that the invitation of the Council to address effects of terrorism has been taken up in the last report of the **Special Rapporteur** on the promotion and protection of human rights and fundamental freedoms while countering terrorism. We commend the human rights based approach to effects of terrorism evidenced in this report, and, particularly, the attention to victims of terrorism.

The EU encourages the Advisory Committee to review and finalise its report against this background.

Thank you.