

**Remarks of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

**Friends of Victims of Terrorism Event to Launch the International Commission of Jurists Report entitled “Human Rights of Victims of Terrorism: A Compilation of Selected International Sources”**

**New York Instituto Cervantes,**

**December 3, 2019**

As Special Rapporteur for the Protection and Promotion of Human Rights and Fundamental Freedoms while Countering Terrorism I am very pleased to join this event supported by the Group of Friends of Victims of Terrorism and launch this important Report by the International Commission of Jurists. The mandate was honoured to write the foreword to this Report.

Despite all the resolutions, principles, documents and discussions on victims of terrorism this publication by the International Commission of Jurists is the first comprehensive compilation of legal documents, standards and treaties addressing the rights of victims of terrorism. It underscore the breadth and depth of international legal standards on the rights of victim of terrorism and provides an invaluable resource to victims and their families to “know their rights”, to lawyers and human rights defenders working to advance the rights of victims, to civil society in supporting victims, and to States such as this group of friends committed to advancing not just solidarity and symbolic gestures to victims but dedicated to meaningful and accessible protections under law to victims.

It is not surprising that the International Commission of Jurists, one of our oldest and most venerable human rights organizations, established in 1952, founded on the work of eminent judges and lawyers from around the globe, which has garnered both the United Nations Award for Human Rights (1993) and the Council of Europe’s Human Rights Prize and whose commissioners hail from multiple legal systems and continents would lead this important work. The commitment to the rule of law and human rights has been the centrepiece of the ICJ’s work and advocating for the human rights of victims of terrorism as it has done for marginalized victims for decades is a painstaking continuation of its core work.

As Special Rapporteur, and in line with the approach and practice of my predecessors I continue to stress the importance of a “rights-based” approach to victims of terrorism, noting that while statements of solidarity are valuable, on their own they are insufficient to realize the rights of victims of terrorism to remembrance, dignity, respect, accountability, truth and justice, in accordance with international law. In every country I visit, including on a return visit to France just two weeks ago, I was able to meet with organizations supporting victims of terrorism and continue to learn from these defenders of rights and mainstream that knowledge into the work of the mandate. At its essence as the victims continually tell us, a human rights-based approach means that victims of terrorism and their families have a human right to an effective remedy, with the corresponding State obligations including a duty to exclude any possibility of impunity for acts of terrorism.

The Special Rapporteur recalls the many and varied basis for a rights-based approach including the International Covenant on Civil and Political Rights, the Basic Principles and Guidelines on a Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly Resolution 60/147 of 16 December 2005. I also note the important Reports written by my predecessors Martin Scheinin and Ben Emmerson in 2006 and 2011, laying out the ways in which a rights-based approach to victims of terrorism should be implemented in practice.[[1]](#footnote-1) As mandate holder, I have placed engagement with and human rights advocacy on behalf of victims of terrorism at the center of my work, evidenced by the reflection of victims’ rights in all the country reports submitted by the mandate. I was particularly pleased to see the inclusion to the mandate work on behalf victims of terrorism included in the mandate renewal at the Human Rights Council this October in Geneva and acknowledge the important support of Mexico to that end.

The leadership of the group of States led by Afghanistan and Spain is particularly welcomed by the mandate. Both countries know all too well the challenges faced by victims and the importance of advancing and protecting the rights of victims. On the cusp of the Global Counter-Terrorism Strategy review it is my sincere hope that a rights-based approach to the rights of victims will find support and tenacious hold in the negotiations ahead, and that legal remedies and legal rights will be the focus of our efforts in the months ahead.

1. [E/CN.4/2006/98](http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/CN.4/2006/98&Lang=E) (paras. 64-66, 74)
[A/66/310](http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/66/310&Lang=E) (paras. 20-28)(2011) [↑](#footnote-ref-1)