



Guide on the proscription of organizations in the context of countering terrorism:

WHAT IS PROSCRIPTION?

Proscription is the designation of certain organizations, their members and/or associated individuals as “terrorist organizations”, “terrorists”, individuals “associated with terrorism” and similar categorisations. Proscription seeks to prevent and counter terrorism.



WHAT ARE THE EFFECTS OF PROSCRIPTION?

Proscription often results in travel restrictions, the freezing of assets, and a ban of the proscribed organization. It can interfere with human rights, such as the freedoms of expression, association, and movement, and the rights to privacy, property and social security. Where the proscription also leads to criminal sanctions, the right to a fair trial is also relevant.

RESPECT FOR HUMAN RIGHTS IS AN OBLIGATION OF STATES UNDER INTERNATIONAL LAW AND NECESSARY FOR EFFECTIVE AND SUSTAINABLE COUNTER-TERRORISM STRATEGIES.

The [Basic Human Rights Reference Guide on Proscription of Organizations in the Context of Countering Terrorism](#) presents nine guiding principles on key issues to ensure human rights compliance.

National proscriptions must:

-  1 Be based on clear and precise law and must not be retroactive.
-  2 Be necessary and proportionate, and made on a case-by-case basis.
-  3 Be subject to regular and independent review.
-  4 Respect the principles of equality and non-discrimination.
-  5 Not be used to suppress or deny the rights to freedom of association and peaceful assembly, or quash political dissent, silence minority views, or limit civil society.
-  6 Ensure the prompt communication of proscription decisions, its factual grounds, and resulting consequences, to the proscribed organization, their members and/or associated individuals.
-  7 Ensure the right for organizations, members and/or associated individuals to request a judicial review of decisions on proscription or the non-implementation of sanctions.
-  8 Ensure access to effective remedies for individuals whose human rights have been violated by proscription decisions and related sanctions.
-  9 Ensure that everyone has the right to be represented by competent and independent legal counsel of their choosing.