**Call for submissions: Soft law” and informal lawmaking in the global counter-terrorism architecture: Assessing implications on the promotion and protection of human rights and fundamental freedoms** (<https://www.ohchr.org/EN/Issues/Terrorism/Pages/SoftLaw.aspx>)

1. **The mandate of relevant actors, bodies and initiatives, their governance structure as well as the rules and mechanisms governing their functioning;**

The Global Counterterrorism Forum (GCTF) consists of a Coordinating Committee, Working Groups, stand-alone Initiatives and an Administrative Unit. The structure and functional aspects of how the GCTF operates is outlined in the [GCTF Terms of Reference (2017)](https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/A/GCTF%20Revised%20Terms%20of%20Reference%202017.pdf?ver=2017-09-16-092916-863).

The guiding principles and objectives of the GCTF are emphasized in the [Political Declaration](https://www.thegctf.org/Portals/1/Documents/Foundational%20Documents/GCTF-Political-Declaration_ENG.pdf) of GCTF Members signed in 2011.

1. **Rules governing the standard-setting and other processes leading to the establishment of soft law instruments and standards. The Special Rapporteur is particularly interested in information on ways to ensure the inclusiveness and transparency of such processes, such as through meaningful consultation of relevant stakeholders, including domestic, regional and international human rights mechanisms, civil society organizations and other actors with pertinent expertise;**

Launched in 2011, the GCTF is an informal, a-political, multilateral counterterrorism (CT) platform that has strengthened the international architecture for addressing 21st century terrorism. Central to the Forum’s overarching mission is the promotion of a strategic, long-term approach to counter terrorism and the violent extremist ideologies that underpin it. The GCTF develops Good Practices and tools for policy-makers and practitioners to strengthen CT civilian capabilities, national strategies, action plans and training modules. It provides a forum for national CT officials and practitioners to meet with their counterparts from different regions to share experiences, expertise, strategies, tools, capacity needs, and capacity-building programs.

To this end, the GCTF continues to provide a dedicated forum for national CT officials and practitioners to meet with their counterparts from key states in different regions to share experiences, expertise, strategies, tools, capacity needs, and capacity-building programs. It prioritizes civilian capacity-building in areas such as rule of law, border management, and CVE. Additionally, the GCTF works with partners around the globe to identify critical civilian needs to effectively counter terrorism, mobilize the necessary expertise and resources to address such needs, and enhance global CT cooperation.

The GCTF currently has five Working Groups, three of which are thematic (Countering Violent Extremism; Foreign Terrorist Fighters; and Criminal Justice and the Rule of Law) and two which are focused on regional capacity-building (Capacity-building in the East Africa Region and Capacity-building in the West Africa Region). All Working Groups seek to identify relevant civilian counterterrorism challenges and capacity gaps or needs; consider activities to address these gaps or needs; and mobilize political will, financial resources, and expertise to implement those activities.

As set out in the [GCTF Terms of Reference (2017)](https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/A/GCTF%20Revised%20Terms%20of%20Reference%202017.pdf?ver=2017-09-16-092916-863) (see section I/B, pg. 2-3), Working Groups are encouraged to ensure wide-ranging/comprehensive participation in their meetings, in order to enable meaningful consultation throughout the process of soft law development:

* “*Participants in the working group meeting should be the appropriate senior policymakers and/or experts from the participant’s government or organization. While aiming to complement and reinforce any relevant existing regional mechanisms and activities, regional Working Groups will, inter alia, seek to a) identify the counterterrorism challenges and capacity gaps/needs in a particular region; b) consider and develop innovative, coherent, and concrete activities that would address identified capacity gaps/needs;* *and c) mobilize the necessary political will, financial resources, and expertise to implement those activities.*”
* “*Regional Working Groups will pay particular attention to the importance of ensuring effective capacity-building coordination at the country level. To this end, where appropriate, participants in meetings of such groups may include relevant experts from local embassies and these Working Groups should be encouraged to meet at the local level.*”
* “*Consistent with the GCTF’s mission to support the implementation of the UN Global Counter-Terrorism Strategy around the globe, all UN Member States, other relevant international, regional, and sub-regional bodies, and other appropriate stakeholders, including appropriate civil society experts, that demonstrate support for the GCTF’s founding principles and objectives as enumerated in its Political Declaration are eligible, in principle, to participate in appropriate meetings or other activities of the Working Groups and Initiatives.*”
* “*GCTF Members should ensure that the GCTF maintains an inclusive, even-handed, and transparent approach to its work, while continuing to be an informal, non-political, action-oriented, and flexible platform committed to ensuring that it attracts the most capable and experienced counterterrorism practitioners and experts to the table.*”
* “*The host or co-hosts of a Working Group activity may invite non-GCTF members including states; international, regional, and sub-regional bodies; and other appropriate stakeholders, including appropriate civil society experts*”
* “*… non-GCTF members may be invited to participate in GCTF regional Working Group activities focused on their particular region or a region where they are active on the counterterrorism capacity-building front, and in GCTF thematic Working Group activities focused on a particular thematic issue where they have relevant expertise to share or stand to benefit from the expertise that will be shared during the course of the particular activity.*”

1. **Ways in which international law norms and standards are incorporated in the work of these actors, bodies and initiatives, with particular focus on international human rights law, as well as international humanitarian law and refugee law, if and when relevant to the standard-setting activities in question. Pertinent information includes ways in which such instruments and standards incorporate human rights benchmarking, both when it comes to the standard-setting process as well as dissemination and implementation of resulting standards; as well as on mechanisms for monitoring, evaluation and oversight of the human rights impact of their implementation and use.**

As per the [GCTF Analytical Report ‘Global and United: Towards an Enhanced GCTF and UN Cooperation’ (2019)](https://www.thegctf.org/Portals/1/Documents/Other%20documents/UN%20stuff/20190221%20GCTF%20Analytical%20Report%20Final.pdf?ver=2019-08-14-155147-440) (see para. 2.1.2. on pg. 5-6), the document outlining the status of cooperation between the GCTF and the United Nations, the vast majority of GCTF framework documents contain references, that:

* “*support the implementation of UN GCTS Pillar 4, ‘measures to ensure respect for Human Rights and the Rule of Law (RoL) as fundamental basis of counterterrorism.’ Both organizations stress the importance of the aspect of human rights and rule of law as fundamental basis of their work. As a principle, all GCTF documents must be in line with international law and international human rights law in particular. For example, the Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context is based on international human rights law, in particular the Convention on the Rights of the Child. Furthermore, 25 of the 30 GCTF documents include direct references to the International Human Rights framework. All UN-GCTF cooperation must have human rights and the rule of law as its fundamental basis, as agreed by UN entities in the Global Counter-Terrorism Coordination Compact adopted in 2018.*”
* “*Examples of references to human rights standards include the call in the GCTF The Hague Memorandum on Good Practices for the Judiciary in Adjudicating Terrorism Offenses for the ‘support for the right of fair trial according to the Universal Declaration of Human Rights.’ The GCTF Memorandum also calls for training of judges to comply with human rights and freedoms of accused persons.*”
* “*Furthermore, several reviews of the GCTS have referred to national assistance and support to victims of terrorism, as a theme connected to human rights compliant counterterrorism legislation and policy. Support to victims was the subject for a dedicated GCTF Initiative in 2012-2013. Three GCTF documents addressing victims of terrorism have been endorsed.*”

The three GCTF-Inspired Institutions, the Global Community Engagement and Resilience Fund (GCERF), *Hedayah* and the International Institute for Justice and the Rule of Law (IIJ) are the Forum’s main implementing partners. Both GCERF and *Hedayah* serve as a platform for Pillar I by addressing conditions conducive to the spread of terrorism, while the IIJ supports Pillar IV by developing curricula that emphasize respect for human rights and the rule of law as the fundamental basis of the fight against terrorism.

1. **Information on the dissemination and use of these instruments and standards and on ways in which they influence policy- and norm-making in other domestic, regional or international fora, with particular focus on their influence on norm- and standard-setting at the level of the United Nations.**

As stated in the [GCTF Analytical Report ‘Global and United: Towards an Enhanced GCTF and UN Cooperation’ (2019)](https://www.thegctf.org/Portals/1/Documents/Other%20documents/UN%20stuff/20190221%20GCTF%20Analytical%20Report%20Final.pdf?ver=2019-08-14-155147-440) (see para. 4.3. on pg. 16-17), “*the UN has in the past supported implementation of GCTF Good Practice documents through capacity building projects where relevant and consistent with UN mandates from the General Assembly or the Security Council.* *GCTF activities between 2011 and 2018 have also moved from ‘doctrine development’ towards implementation of GCTF documents, including by developing training materials based upon good practices and recommendations. The GCTF Inspired Institutions fulfill a central role in this respect. Improvements can still be made to deliver on-the-ground support to national and local governments. UN CTITF entities are often perceived as the organizations on the ground, counterterrorism and P/CVE capacity-building projects a major part of their mandates.*”

“*Additionally, GCTF-Inspired Institutions play a critical role in developing numerous projects to implement GCTF documents, including some efforts that may not be specifically outlined within the different working groups’ work plans to ensure that a significant number of GCTF documents are reviewed and discussed with different interlocutors.*”

Furthermore, the GCTF Analytical Report lists examples of collaboration between GCTF-Inspired Institutions and UN agencies in the implementation of GCTF documents (see para. 2.3.1 on pg. 8):

* “*There are several examples of collaboration between GCTF Inspired Institutions and UN agencies aimed at implementing GCTF documents. The UNDP-Hedayah National Action Plan (NAP) Task Force is an example of UN-GCTF Inspired Institution cooperation in implementation of GCTF documents. This NAP Task Force is developed under the auspices of the GCTF CVE Working Group, supporting governments in the development and implementation of P/CVE Action Plans conforming to the request in the UNSG Plan of Action to PVE. A Memorandum of Understanding (MoU) between UNDP and Hedayah has helped make operational coordination between the two run well.”*
* “*Other successful examples of UN-GCTF cooperation in this domain include active on-the-ground engagement by GCTF- Inspired Institutions with resident UN-agencies and UN Country Offices. For example, the International Institute for Justice and the Rule of Law (IIJ) established a working relation with the UN Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and UNODC. The IIJ consistently includes UN representatives from headquarters and field offices in its various criminal justice workshops. A mutually reinforcing relationship exists in the development of workshops for ASEAN-countries on implementation on both the GCTF Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector and UNSC Resolution 2322 (2016) on international judicial cooperation.*”

Lastly, the Analytical Report mentions (see para. 2.3.2 on pg. 8) bilateral capacity-building projects as a way to support the implementation of both GCTF and UN documents: “*As bilateral donors to UN-agencies such as UNCCT, UNDP, CTED and UNODC, some GCTF Members encourage agencies to include relevant GCTF documents in UN training materials, for example on management of violent extremist prisoners (UNODC) or on border security (UNCCT).*”