

**Informal Counter-terrorism Committee Convening hosted by Tunisia**

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

Thursday, December 16, 2021

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*Ambassador Ladeb, Ambassador Tirumurti, Excellencies, Ladies and Gentlemen,*

It is my pleasure to join you today on a very remarkable occasion. The mandate congratulates H.E. Mr. Tarek Ladeb on his successful chairmanship of the Counter-terrorism Committee over the course of this year of challenges and important anniversaries. Starting in January 2021, the mandate has observed Tunisia's close commitment to engaging civil society throughout its role as Chair, in quite an exceptional and welcome manner. This commitment comes in the context of direct domestic experience of the harms of terrorism and a keen commitment to terrorism prevention consistent with human rights obligations. My own mandate has had close cooperation with Tunisian since the mandate's productive country-visit in 2017.

The civil society threat/ that commitment is also worth noting was a golden thread of engagement in the Global Counter-Terrorism Strategy review process.

The mandate is also pleased to be among the first to congratulate incoming chair H.E. Ambassador Tirumurti. Both Tunisia and India share long histories in their national contexts of vibrant civic debate, deep civil society engagement and a commitment to leadership on some of the most pressing issues faced by the

international community. It is also imperative to have a diversity of Member States leading our discussions and processes on counter-terrorism.

Now more than ever, I think it is necessary to preface our discussions by reflecting on our shared goals – to address terrorism in all its forms and manifestations.

By acknowledging our shared goals, I am confident that we may find better pathways of engagement **from a diverse range of perspectives and gain clarity as to the most effective paths forward.**

And while we all agree that security and human rights and rule of law are mutually **reinforcing objectives, across fora**, my mandate continues to document the growth of counter-terrorism practices and policies that **lack adequate human rights protections and safeguards**. My mandate has also documented widespread misuse of counter-terrorism measures against civil society and the degrading impact on human rights and rule of law across the globe.

These trends *have had a distinctly detrimental effect on the overall advancement of our shared goals*. Evidence demonstrates that conflict is one of strongest predictors of the impact of terrorism, *so too are deficiencies in human right protections, socio-economic factors related to disenfranchisement, and deficient rule of law and equality*.

So, if we agree on our aim (to counter-terrorism in all its forms and manifestations), on our methods (to do so in compliance with human rights and rule of law as mutually reinforcing), *and* also the *positive possibilities* through existing architectures (namely the UN Security Council and its subsidiaries), can we find meaningful ways to discuss this evidence and these trends and decide how we might improve the circumstances?

I think today's conversation is proof that we can.

And, I again thank H.E. Ambassador and Chair Ladeb for hosting today's discussion and H.E. Ambassador and incoming Chair Tirumurti for joining us and closing today's event.

So, how can we improve such mechanisms?

How do we ensure not only effectiveness and just human rights compliance, but positive contribution to human rights and rule of law by the UN Counter-Terrorism architecture, including the CTC and CTED? The risk if we don't is that the UN Counter-Terrorism architecture itself functions as an impediment to greater security and better rule of law/human rights at the national, regional, and global level. And that this in turn negatively affects the security we are all striving to achieve.

How can this architecture be attuned and respond to these broader trends in the CT landscape, particularly by engaging **civil society to inform decision-making**?

It is the mandate's position that at least two of the guiding principles will contribute to this solution:

**One, greater measures of transparency; and relatedly, improved, and meaningful engagement with civil society.**

Here, I would like to put forward my specific recommendations stemming from my Human Rights Council report of March 2019 on the impact of measures to address terrorism and violent extremism on civic space and the rights of civil society actors and human rights defenders.

In this report and since its publication, I have recommended that the United Nations, particularly the **Security Council, the Counter-Terrorism Committee and its Executive Directorate**, proactively, meaningfully and constructively engage with a broad representation of local and international, diverse and independent civil society actors on counter-terrorism and the prevention and countering of violent extremism.

**Particularly:**

- a) **Civil society's input must be sought in developing all resolutions on counter-terrorism and prevention and countering of violent extremism to offer views and assess strategy and to provide information on the possible adverse impact of proposed measures on civil society;**
- b) **The Counter-Terrorism Committee and its Executive Directorate should meet formally and regularly with civil society actors on substantive and country issues, and the Security Council should consider regular briefings by civil society on thematic items and on geographic agenda items;**
- c) **Given the close working relationship between civil society and United Nations human rights mechanisms, formal and transparent cooperation between United Nations counter-terrorism bodies and human rights mechanisms must be enhanced. My mandate stands ready to regularly engage with the CTC and is grateful to its Member States and CTED for the positive and continued constructive engagements.**

**Underpinning those recommendations is clear evidence that the production of policy in every arena, including national and international security that includes civil society is better, more robust, likely to achieve its aims, and not**

**struggle for implementation in practice. We have had 20 years of global counter-terrorism, and we are all struggling with the realities of its failures and challenges. If we want to do better, in our common goal of addressing terrorism in all in forms and manifestations doing some things differently is necessary, because the stakes are too high in too many societies and contexts for failure, for counter-terrorism to be part of the problem. Solving the conditions and causalities that produce violence is hard and it demands partnerships, innovation, consistency, and defending core Charter values. This event reflects the unique possibilities of bringing all that together in common cause.**

I hope these recommendations provide a source for discussion I would welcome the opportunity to **work productively and innovatively with leadership here today to find meaningful ways forward.** I again thank H.E. Ambassador Ladeb for hosting today's discussion and look forward to continuing the discussion in years to come.

Thank you.

