

Technical Recommendations on Human Rights & Counter-Terrorism for the 7th Biennial Review of the Global Counter-Terrorism Strategy (A/RES/72/284)

Mandate of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism

Introduction

As the 7th Review of the Global Counter-Terrorism Strategy (GCTS) ([A/RES/72/284](#)) approaches, there remains a pressing need to redouble efforts and reaffirm commitments to the full protection and promotion of human rights and fundamental freedoms across all efforts to counter-terrorism and prevent violent extremism conducive to terrorism. Since the previous biennial review in 2018, diverse stakeholders have stressed that the Fourth Pillar suffers from profound structural and policy weaknesses. In his recent report to the General Assembly ([A/75/729](#)), the Secretary-General underscored that "[an urgent focus \[...\] was needed, supported by renewed political commitment and adequate resources, to strengthen the promotion and protection of human rights and the rule of law in the implementation of all four pillars of the United Nations Global Counter-Terrorism Strategy.](#)"¹ It has become more apparent than ever that acute institutional and resource inequities leave the human rights mainstreaming capabilities of the United Nations stagnant. Moreover, amidst this lack of resources, the gaps and lack of human rights in conceptualization, framing, program establishment, and human rights impact assessment continue to grow. This is despite evidence that demonstrates that although [conflict is one of strongest predictors of the impact of terrorism, so too are deficiencies in human rights protections, socioeconomic factors related to disenfranchisement, deficient rule of law and equality, and more.](#)

As Member States, the United Nations and civil society come together to collectively reflect on the review of the Strategy, the Special Rapporteur has prepared a number of resources to help frame the collective progress and challenges, including three briefing documents:

- Priorities for the Promotion and Protection of Human Rights while Countering-Terrorism
- Trends & Data: Human Rights and Counter-Terrorism
- Technical Recommendations for the United Nations and Member States.

The mandate encourages Member States to place human rights and rule of law at the forefront of these efforts, premised on the fundamental idea that security without rights is meaningless, and that rights inherently protect and advance security. The Special Rapporteur continues to welcome

¹ Report of the Secretary-General on the Activities of the United Nations system in implementing the United Nations Global Counter-Terrorism Strategy ([A/75/729](#)).

the reference to its work within past reviews of the Global Counter-Terrorism Strategy and its reports.²

Priority 1: Advancing the Meaningful Participation of Civil Society in Counter-terrorism and Ensuring an Enabling Rights Environment

Since the mandate's inception in 2005, "[66 per cent of all relevant communications sent by the mandate holders have related to the use on civil society of counter-terrorism laws and policies and prevention and countering of violent extremism or broadly defined security-related measures.](#)" Ensuring the meaningful participation of independent civil society can only succeed through regular engagement and adoption of measures that protect the work and rights of civil society at all levels. The mandate emphasizes that concrete pathways for engagement should be integrated within the Global Compact to enable regular and meaningful participation of civil society within the United Nations.

1. Underscore the impact of counter-terrorism regulation on civil society. This may include recalling language from [A/RES/74/247](#), which noted that Member States are “*gravely concerned* that national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, are in some instances misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law.”³
2. Emphasize the report of the Secretary-General ([A/74/677](#)), which recognized “counter-terrorism measures, when applied arbitrarily, unnecessarily or disproportionately, contribute to the shrinking of civic space. They expose to threats, unlawful restrictions and other violations civil society actors, including human rights defenders, whose help is needed to address the conditions conducive to terrorism. In some cases, particularly in armed conflict settings, counter-terrorism measures are adversely affecting principled humanitarian and human rights action, compounding the vulnerabilities of those in need and playing into terrorist narratives.”⁴ In addition, noting that “in their counter-terrorism efforts, Member States and the United Nations system benefit from listening, encouraging and, as appropriate, supporting and partnering with civil society actors committed to the principles and objectives of the Charter of the United Nations.”⁵
3. Consider operational responses to the trends and analysis that have demonstrated the need to create rights-protective and enabling environments for civil society and civic space. Such efforts are supported by the Secretary-General's report ([A/74/677](#)), which encourages Member States to support the “role of civil society [...] through the creation and maintenance of an enabling environment, including a legal framework that protects

² Reports submitted since the previous biennial review include: [A/75/337](#), [A/74/335](#), [A/73/361](#), [A/HRC/43/46](#), [A/HRC/40/52](#). In addition, since the last review, [A/RES/74/147](#), OP 25 has included language that “requests all Governments to cooperate fully with the Special Rapporteur in the performance of her mandated tasks and duties.”

³ [A/RES/74/247](#) (2020), preambular text.

⁴ [A/74/677](#) (2020), para 36.

⁵ [A/74/677](#) (2020), para 72

and promotes human rights, notably freedom of association, freedom of expression and non-discrimination.”⁶

4. Amplify messaging that “*urges* States to safeguard the work of civil society by ensuring that counter-terrorism laws and measures are consistent with and are applied in a manner that fully respects human rights, particularly the rights to freedom of expression, peaceful assembly and association.”⁷
5. Integrate the recommendations of [S/RES/2462 \(2019\)](#), which recognized “the vital role played by non-profit organizations in national economies and social systems,” called upon “Member States to periodically conduct a risk assessment of its non-profit sector or update existing ones to determine the organizations vulnerable to terrorist financing and to inform the implementation of a risk based approach,” encouraged “Member States to work cooperatively with the non-profit sector in order to prevent abuse of such organizations including front organizations by and for terrorists, while recalling that States must respect human rights and fundamental freedoms,” and recalled “the relevant recommendations and existing guidance documents of the FATF in that regard, in particular its recommendation 8.”⁸
6. Reflect the latest reports and findings of Compact entities, civil society and academia that has nuanced the impact of CFT measures and identified the disproportionate impact and direct targeting of civil society.⁹ This may include continuing to “recognize the need to continue to take measures to prevent and suppress the financing of terrorism, in this regard encourages United Nations entities to cooperate with Member States and to continue to provide assistance, upon their request, in particular, to help them to fully implement their respective international obligations to combat the financing of terrorism.”¹⁰

Priority 2: Addressing the Human Rights Impacts of Counter-Terrorism & Preventing and Countering Violent Extremism Conducive to Terrorism

The following recommendations provide thematic reflections across a range of issues covered by the Global Counter-Terrorism Strategy, covering substantive human rights and human rights mainstreaming considerations, as well as specific human rights implications of national action planning for preventing and countering violent extremism (P/CVE); prosecution, rehabilitation and reintegration of foreign terrorist fighters and repatriation and rehabilitation of families, women and children; the rights of the child; human rights and critical infrastructure; and engaging young people.

⁶ [A/74/677](#) (2020), para 72

⁷ [A/RES/74/147](#), OP 12.

⁸ [S/RES/2462](#), OP 23.

⁹ See e.g., Duke Law International Human Rights Clinic and Women Peacemakers Program, [Tightening the Purse Strings: What Countering Terrorism Financing Costs Gen-der Equality and Security](#) (2017).

¹⁰ [A/RES/72/284](#), OP 44.

International Legal Frameworks

7. Encourage continued commitment to emphasizing existing treaties and supporting sovereignty and principles of consent for the creation of legal norms for State action. This is also important as an interpretative position on international law on the hierarchy of these conventions and protocols.¹¹ This may include further emphasis as found in [A/RES/72/284](#), which “calls upon States that have not done so to consider becoming parties in a timely manner to the existing international conventions and protocols against terrorism, and upon all States to make every effort to conclude a comprehensive convention on international terrorism, and recalls the commitments of Member States with regard to the implementation of General Assembly and Security Council resolutions relating to international terrorism.”¹² This language is further reflected in [A/RES/75/145](#), “urging of Member States that have not yet done so to consider, as a matter of priority to join relevant conventions and protocols as a first order.”¹³

Human Rights & Rule of Law

8. Maintain commitments to “balanced implementation of the four pillars of the Strategy, strengthening the delivery of the United Nations,”¹⁴ and deepen this emphasis throughout.
9. Emphasize, as in [S/PRST/2021/1](#), “the important role of the Global Counter Terrorism Coordination Compact entities.”¹⁵ This serves to acknowledge, holistically, the mandated entities for human rights, gender equality, development and other goals of the United Nations as central to drive the realization of the Strategy and to serve the efficiency and coordination of the United Nations Global Counter-Terrorism Coordination Compact.
10. Underscore principles of non-discrimination and the human rights impact of terrorism in all forms, “that the acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy.”¹⁶
11. Anchor rights commitments in countering terrorism and preventing and countering violent extremism conducive to terrorism, by emphasizing the imperative to “take the steps necessary to enhance cooperation to prevent and combat terrorism in a decisive, unified, coordinated, inclusive, and transparent manner.”¹⁷ The mandate recommends including “human rights-based” among this list and underscores the centrality of a human rights-based approach as equally important and central to the unified, coordinated, and inclusive approaches listed. In addition, the Secretary-General has

¹¹ [A/RES/72/284](#), OP 7.

¹² [A/RES/72/284](#), OP 7.

¹³ [A/RES/75/145](#), OP. 15.

¹⁴ [A/RES/72/284](#), preambular text.

¹⁵ [S/PRST/2021/1](#).

¹⁶ [A/RES/72/284](#), preambular text.

¹⁷ [A/RES/72/284](#), preambular text.

regularly called for the inclusion of “human rights-based” language among the imperatives of CT and P/CVE efforts.¹⁸

12. Reaffirm “the importance of the integrated and balanced implementation of all pillars of the Strategy, recognizing the need to redouble efforts,” particularly for the fourth pillar on human rights.¹⁹ The mandate emphasizes, as above, that it is well documented that the fourth pillar of the Global Strategy requires a redoubling of efforts to ensure equal implementation and that this pillar is both under resourced as compared to other pillars, but the human rights entities themselves suffer from resource inequity that impedes meaningful mainstreaming requirements.²⁰
13. Present a consensus, evidence-based relationship between human rights, rule of law and good governance to underscore, in particular, the relationship between efforts on human rights and rule of law and counter-terrorism as mutually reinforcing. Such an approach was presented in S/PRST/2021/1, which “reaffirms that Member States must ensure that any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, underscores that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures and are an essential part of a successful counter-terrorism effort, and notes the importance of respect for the rule of law so as to effectively prevent and combat terrorism, and further notes that failure to comply with these and other international obligations, including under the Charter of the United Nations, is one of the factors contributing to increased radicalization to violence and fosters a sense of impunity.”²¹
14. Consider the elevation of the values-based arguments integrated into the Plan of Action to Prevent Violent Extremism, which states that “further acknowledging that when poor governance is combined with repressive policies and practices which violate human rights and the rule of law, the potency of the lure of violent extremism tends to be heightened and that violations of international human rights law committed in the name of state security can facilitate violent extremism by marginalizing individuals and alienating key constituencies, thus generating community support and sympathy for and complicity in the actions of violent extremists.”²²

¹⁸ See, e.g., [S/2018/900](#), para. 74 (“It is the obligation of Member States, as well as the Security Council and the whole of the United Nations system, to ensure that efforts to prevent and counter terrorism and violent extremism respond to the full scope [...] and are inclusive, coordinated, human rights-based and gender-sensitive.”)

¹⁹ Cf., [A/RES/72/284](#), OP 4.

²⁰ See e.g., [A/74/677](#), paras. 71, 81.

²¹ See also, [S/RES/2178 \(2014\)](#).

²² [A/70/674](#), para. 27.

National Plans on Preventing Violent Extremism and Safeguarding Human Rights

15. Underscore the importance of developing national plans that are “respectful of the rule of law and in accordance with their obligations under international human rights law, as well as international humanitarian law, if applicable,”²³ taking into account the Secretary-General’s Plan of Action’s seven priority areas, including dialogue and conflict prevention; strengthening good governance, human rights and rule of law; engaging communities, empowering youth, gender quality and empowering women; education, skill development and employment facilitation; and strategic communications, including through Internet and social media.²⁴
16. Underscore the heavy cost of terrorism²⁵ for those countries most impacted by terrorism and their continued experience of protracted armed conflict as the primary driver of terrorism and the ensuing human rights and humanitarian devastation that contributes to persistent insecurity are addressed.

Prosecution, Rehabilitation and Reintegration of Foreign Terrorist Fighters and Families, Women and Children

17. Align efforts with [S/RES/2396](#) (2017), emphasizing “obligations under international law, including with respect to foreign terrorist fighters and spouses and children accompanying returning and relocating foreign terrorist fighters, as well as their suitability for rehabilitation, and to do so in consultation, as appropriate, with local communities, mental health and education practitioners and other relevant civil society organizations and actors.”²⁶
18. Balance commitments and calls on the urgent need for the repatriation of citizens, particularly women and children, to their country of origin, and make detailed reference to the applicable international law standards on loss or deprivation of nationality and call “upon Member States to urgently repatriate citizens, particularly women and children, in conformity with in [S/RES/2396](#) (2017).”²⁷
19. Emphasize the primacy and need for compliance with full respect for international human rights law,²⁸ as emphasized in [S/RES/2178](#) (2014), which “encourages Member States to employ evidence-based traveler risk assessment and screening procedures including collection and analysis of travel data, without resorting to profiling based on stereotypes founded on grounds of discrimination prohibited by international law.”²⁹ This is directly related to [A/RES/72/284](#), operative paragraph 29, which “calls upon all Member States, in accordance with their obligations under international law, to cooperate in efforts to

²³ [A/70/674](#), para. 20.

²⁴ [A/70/675](#).

²⁵ [A/RES/73/305](#).

²⁶ [S/RES/2396](#) (2017), OP 30.

²⁷ See [A/HRC/25/28](#). The aforementioned report considers the loss or deprivation of nationality in the context of terrorism concerns, noting that “In response to growing concern around terrorism, a number of States have expanded the powers of deprivation of nationality for crimes against national security or in the public interest, or have made more active use of existing powers.”

²⁸ [A/RES/72/284](#).

²⁹ [S/RES/2178](#) (2014), OP 2.

address the threat posed by foreign terrorist fighters, including by preventing the radicalization to terrorism and recruitment of foreign terrorist fighters...³⁰

The Rights of the Child

20. Underscore the approach taken in [S/RES/2427](#) (2018) wherein clarity was presented to cover the full scale of children’s rights violations, including those in the context of armed conflict where listed groups and other non-state armed groups are implicated in violations in contravention of international humanitarian law and the Convention for the Rights of the Child. The approach here also nuances the reading to attend to the fact that violations, including recruitment and other violations are also perpetrated by armed forces and State actors.³¹
21. Reemphasize that “a child shall not be deprived of his or her liberty unlawfully or arbitrarily and that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time, and that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.”³²
22. Deepen the alignment of the Strategy with international legal standards on the rights of the child, by emphasizing that all children associated or allegedly associated with armed groups should be treated primarily as victims and in line with best interests of the child, and in a manner consistent with their rights, dignity and needs, in accordance with relevant provisions of international humanitarian law, and international human rights law, in particular obligations under the Convention on the Rights of the Child.³³ This includes emphasizing non-judicial measures as alternatives to prosecution and detention and to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups in an environment that fosters the health, self-respect and dignity of the child.³⁴

³⁰ [A/RES/72/284](#), OP 29.

³¹ [S/RES/2427 \(2018\)](#), OPs 1-2, 18-19 (“strongly condemns all violations of applicable international law involving the recruitment and use of children by parties to armed conflict as well as their re-recruitment, killing and maiming, rape and other forms of sexual violence, abductions, attacks against schools and hospitals, as well as denial of humanitarian access by parties to armed conflict and all violations of international law, including international humanitarian law, human rights law and refugee law, committed against children”).

³² [A/RES/74/133](#), OP 25.

³³ United Nations, *Treaty Series*, vol. 1577, No. 27531.

³⁴ For the current language in [A/RES/72/284](#), see OP 77. In addition, *cf.*, [A/RES/74/133 \(2019\)](#), OPs 19 and 25, which, respectively read: “Calls upon all Member States to ensure that children associated or allegedly associated with armed groups should be treated primarily as victims and in line with the best interests of the child, and to consider non-judicial measures as alternatives to prosecution and detention and take measures that focus on rehabilitation and reintegration in an environment that fosters the health, self-respect and dignity of the child, in accordance with relevant provisions of international humanitarian law, as well as human rights law, in particular the Convention on the Rights of the Child; *and* “Also reaffirms that a child shall not be deprived of his or her liberty unlawfully or arbitrarily and that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time, and that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.”

Human Rights & Critical Infrastructure

23. Recall the human rights findings of the [Compendium of Good Practices on the Protection of Critical Infrastructures Against Terrorist Attacks](#), as well as the need to consider developing and improving strategies for reducing risks to critical infrastructure, *conducting human rights assessments of measures taken*, noting that both damage to and disruption or destruction of critical infrastructure can result in far-reaching impact on a wide range of human rights, as can Member States responses that limit certain rights in line with international law restrictions on the use of emergency powers.”³⁵

Engaging Youth and Protecting and Promoting their Rights of Young People

24. Emphasize the positive role of young people in building peaceful and resilient communities, noting also the important and positive contribution of youth in efforts to counter-terrorism and prevent violent extremism conducive to terrorism, and the overall promotion of peace and security. This may include drawing from [S/RES/2419 \(2018\)](#), which reaffirms this positive contribution, the important role of youth in prevention and resolution of conflicts, national ownership and leadership, and “the primary responsibility of national Governments and authorities in identifying, driving and directing priorities, strategies and activities for peacebuilding and sustaining peace.”³⁶

Priority 3: Preventing the Misuse and Abuse of Counter-Terrorism Measures and Exceptional Powers

The mandate has continued to emphasize that values-based approaches to counter-terrorism, rooted in the respect for human rights and international law are the approaches that yield long-term results for peaceful, secure and equal societies. The General Assembly has continued to acknowledge that it is not through security solutions that the challenge of terrorism will be addressed, but through long-term investments in development and building peaceful, resilient, and equal communities. The mandate emphasizes the importance of reaffirming these commitments to human rights for all Member States and addressed these issues in a public statement along with other Special Procedures Mechanisms, support for the COVID-19 Civic Freedom Tracker, and more.³⁷

25. Take stock of the human rights impacts and challenges associated with COVID-19, noting that although there is an emerging discussion about the impact of COVID-19 on terrorism, much research remains to understand the scale and scope of its effect and little

³⁵ See [Compendium of Good Practices on the Protection of Critical Infrastructures Against Terrorist Attacks](#), section 1.5.

³⁶ [S/RES/2419 \(2018\)](#).

³⁷ Statement of the Special Rapporteur & Other Special Procedures: [COVID-19: States should not abuse emergency measures to suppress human rights – UN experts](#) (16 March 2020). See also [COVID-19 Civic Freedom Tracker](#), ICNL & ECNL.

conclusions can be drawn regarding any exacerbating or catalytic impact on terrorism and violent extremism effects.³⁸

26. Express concern around the potential use of the COVID-19 pandemic by Member States to further extend the use of counter-terrorism and emergency powers underscoring the need to ensure that counter-terrorism and corresponding mechanisms and practices are not exported for use in the health sector.³⁹

Priority 4: Ensuring Full Protection for the Rights of Victims of Terrorism

Recognizing the significant steps that have been taken to bring greater attention to the experiences and needs of victims of terrorism, including the Day of Remembrance for Victims of Terrorism and the establishment of a Group of Friends for Victims of Terrorism, the mandate encourages Member States to consolidate these efforts to advance meaningful legal protections for victims of terrorism at the country level.⁴⁰ The mandate supports strengthening the rights of victims in line with the commitments of States articulated in ([A/RES/73/305](#)). Among the most important priorities include finding practical ways to support States particularly adversely affected by terrorism to provide medical, legal and psycho-social support to victims and emphasizing the required gender specific approaches to address the needs of women and girls who are victims.⁴¹ This issue is addressed in the report of the Special Rapporteur to the Human Rights Council on the human rights impact of counter-terrorism and countering (violent) extremism policies and practices on the rights of women, girls and the family ([A/HRC/46/36](#)).⁴²

27. Deepen recognition for the “importance of respecting the human rights of victims of terrorism and their families and of providing them with appropriate support and assistance in accordance with applicable law.”⁴³
28. Adapt understandings based on work conducted beyond the last biennial review, specifically considering resolution [A/RES/73/305](#), which “calls upon all Member States to develop comprehensive assistance plans for victims of terrorism, consistent with domestic law, taking into account a gender perspective, to address the immediate, short-term and long-term needs of victims of terrorism and their families with regard to their relief and rehabilitation, ensuring that they are provided with proper support and assistance, both immediately after an attack and in the long term, including through the sharing of best practices and lessons learned related to the protection of and assistance to victims of terrorism.”⁴⁴

³⁸ Statement of the High-Commissioner for Human Rights, *COVID-19: Exceptional measures should not be cover for human rights abuses and violation* (27 April 2020). See also [OHCHR Guidance on COVID-19 and Human Rights](#) and [COVID-19 and Special Procedures](#).

³⁹ Ní Aoláin, Fionnuala, *Under Cover of COVID at the UN: Why Counterterrorism Is Not the Answer to a Pandemic*, Just Security (2020).

⁴⁰ [A/66/310](#).

⁴¹ [A/RES/73/305](#), OPs 3, 11.

⁴² [A/HRC/46/36](#), paras, 8, 31, 34, 39(d).

⁴³ [A/RES/73/305](#), preambular text and [A/RES/72/284](#), OP 13.

⁴⁴ [A/RES/73/305](#), OP 1.

29. Transform significant policy commitments into “systems of assistance, consistent with domestic law, that would address the needs of victims of terrorism and their families and promote and protect their rights, including by partnering with health professionals, emergency planning managers and members of law enforcement, prosecutors’ offices and civil society, where applicable, to institutionalize the provision of assistance to victims.”⁴⁵
30. Integrate a gender perspective in line with [A/RES/73/305](#), which “*calls upon* all Member States to consider the impacts of terrorism on women and children and to seek greater consultations, as appropriate, with women and women’s organizations when developing their victim assistance plans.”⁴⁶ This issue was further raised in the report of the Special Rapporteur ([A/HRC/46/36](#)).⁴⁷

Priority 5: Gender and Women's Rights in the Context of Countering Terrorism and Preventing and Countering Violent Extremism

Entrenched inequality and structural discrimination in many societies continue to affect the realization of the rights of women and girls impacted by terrorism and counter-terrorism or P/CVE measures. This extends across issues such as [sanctions, detention, citizenship deprivation, return and repatriation, the role of family law and family courts, and challenges faced by women human rights defenders from P/CVE policies and practices](#).⁴⁸ Gender mainstreaming must therefore be rooted in human rights and gender equality elevating the rights of, and remedies due to, women and girls, without discrimination. The mandate emphasizes the need to engage UN Women on the institutional and programmatic necessities for ensuring long-term, meaningful gender mainstreaming, for which their mandate and expertise has supported throughout the United Nations infrastructure.

31. Emphasize the distinct impacts of terrorism and counterterrorism measures on women and girls, which is now widely documented. This may include noting “distinct impact impacts of terrorism and counter-terrorism measures on women and girls,” or “recognizing the differential impact on the human rights of women and girls of terrorism and violent extremism, including in the context of their health, education, and participation in public life, and that they are often directly targeted by terrorist groups.”⁴⁹
32. Integrate understandings that “counter-terrorism and national security policies carry gender-specific impacts, including on women’s and youth organizations and on women suspected or convicted of association with nationally listed groups. It is the obligation of Member States, as well as the Security Council and the whole of the United Nations system, to ensure that efforts to prevent and counter terrorism and violent extremism respond to the full scope of commitments in the context of the women and peace and

⁴⁵ [A/RES/73/305](#), OP 2.

⁴⁶ [A/RES/73/305](#), OP 3.

⁴⁷ [A/HRC/46/36](#).

⁴⁸ See [A/HRC/46/36](#).

⁴⁹ [S/RES/2242](#) (2015), preambular text.

security agenda and are inclusive, coordinated, human rights-based and gender-sensitive.”⁵⁰

33. Acknowledge the role of women’s civil society who have been distinctly affected by counter-terrorism measures, as well as increasingly targeted by terrorist organizations. This may include “encouraging Member States, United Nations entities and international, regional and subregional organizations to ensure the participation and leadership of women,” but also women’s civil society and women’s rights defenders, drawing most recently from [A/RES/75/161](#).⁵¹
34. Emphasize the need to work “in partnership with women’s and community-based organizations, faith-based organizations, feminist groups, women human rights defenders, girls’ and youth-led organizations, as well as other relevant stakeholders”⁵² and “to prevent, address and prohibit violence, including sexual harassment, against women and girls in public and political life, including women in leadership positions, journalists and other media workers and human rights defenders, including through practical steps to prevent threats, harassment and violence, and to combat impunity by ensuring that those responsible for violations and abuses, including sexual and gender-based violence and threats, including in digital contexts, are promptly brought to justice and held accountable through impartial investigations.”⁵³
35. Review alignment of the Strategy with the latest report of the Secretary-General on Conflict-Related Sexual Violence [S/2020/487](#), insofar as current limitations within the Global Counter-Terrorism Strategy to “acts of sexual and gender-based violence [...]”⁵⁴ The Strategy can align with the latest understanding and trends, by also integrating “conflict related sexual violence.”⁵⁵
36. Recognize that state armed forces and militias are also implicated in grave cases of sexual and gender-based and conflict-related sexual violence, including in situations affected by terrorism.⁵⁶ The mandate underscores the imperative to reflect the existing trends and sexual and gender-based violations and conflict related sexual violence taking place. Notably, government forces continue to also be implicated in cases of sexual violence in

⁵⁰ [S/2018/900](#), para. 74.

⁵¹ See [A/RES/75/161](#), which addresses the rights and meaningful participation of women in civil society and rights defenders, including contextualized with experiences of violent extremism conducive to terrorism and terrorism. Preambular text includes: “Gravely concerned that impunity for violations and abuses against women human rights defenders persists owing to factors such as a lack of reporting, documentation, investigation and access to justice, social barriers and constraints. Operational paras 9, 16 expands upon these points. Moreover, operational paragraph 9, “encourages States, in efforts to prevent and eliminate violence against women and girls, to work in partnership with the private sector and civil society, including women’s and community-based organizations, faith-based organizations, feminist groups, women human rights defenders, girls’ and youth-led organizations and trade, labour and other professional unions, as well as other relevant stakeholders.” And, finally, operational paragraph 16, “calls upon States to prevent, address and prohibit violence, including sexual harassment, against women and girls in public and political life, including women in leadership positions, journalists and other media workers and human rights defenders, including through practical steps to prevent threats, harassment and violence, and to combat impunity by ensuring that those responsible for violations and abuses, including sexual and gender-based violence and threats, including in digital contexts, are promptly brought to justice and held accountable through impartial investigations.”

⁵² [A/RES/75/161 \(2020\)](#), OP 9.

⁵³ [A/RES/75/161 \(2020\)](#), OP 16.

⁵⁴ [A/RES/284](#), preambular text.

⁵⁵ [S/2020/487](#), para. 4.

⁵⁶ [S/2020/487](#).

the context of counter-terrorism operations, including those in Syria, Yemen, Afghanistan and beyond.⁵⁷

37. Reaffirm the existing institutional arrangements that comprehensively document gross violations of human rights within the United Nations, in particular conflict related sexual violence, including sexual and gender-based violence perpetrated by terrorist groups.⁵⁸

Priority 6: Emerging Technologies and Counter-Terrorism

The mandate has articulated the impact of emerging and new technologies on human rights, including detailed reporting on [biometrics](#). As the use of new, emerging, and even well-established technologies continues, it is imperative to ensure the promotion and protection of the right to privacy and data protection. It is also critical to address the ramifications for a broad range of civil, political, economic, social, and cultural rights, noting the "[indivisible and interdependent character of all human rights](#)." The mandate encourages Member States to recall the international human rights framework governing obligations on collection, retention, processing and sharing of biometric and other data and to enhance implementation, such as human rights impact assessments, meaningful monitoring and evaluation of ways in which human rights are affected by relevant laws, policies, and practices, and increasing effective independent oversight.

38. Underscore that the right to privacy functions uniquely as a gateway right to all others.⁵⁹
39. Consider that promoting and protecting the right to privacy in a digital age requires new initiatives and methods, referring specifically to [A/RES/73/179](#) (Jan. 2019) on the right to privacy in a digital age, which noted “that the rapid pace of technological development enables individuals all over the world to use new information and communications technologies and at the same time enhances the capacity of Governments, companies and individuals to undertake surveillance, interception and data collection, which may violate

⁵⁷ The report of the Secretary-General ([S/2020/487](#)), documents many cases across contexts, including Syria, Yemen, Central African Republic and Afghanistan where State armed forces or actors are responsible for sexual and gender-based violence. State Actors were listed in the Annex to this report from the Democratic Republic of the Congo, Mali, Myanmar, Somalia, South Sudan, Sudan, Syrian Arab Republic, but cases are also documented in the report in Afghanistan, Central African Republic, Nigeria, and Yemen. *Cf.*, [A/HRC/22/14](#) (Yemen), paras. 62, 65, 67, 68; [A/HRC/43/CRP.6](#) (Syria), para 83; [S/2020/487](#), (Afghanistan), para. 17; and [A/74/139](#) (DRC), para 24.

⁵⁸ [S/2019/280](#), paras. 123-142, for example, “welcomes the work of the Office of the Special Representative on Sexual Violence in Conflict and the Team of Experts on the Rule of Law and Sexual Violence in Conflict.”

⁵⁹ [A/RES/73/179](#) (“*Reaffirming* the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of the right to freedom of expression and to hold opinions without interference and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,” and *cf.*, [A/HRC/39/29](#), para 11. (“The right to privacy is central to the enjoyment and exercise of human rights online and offline. It serves as one of the foundations of a democratic society and plays a key role for the realization of a broad spectrum of human rights, ranging from freedom of expression (see [A/HRC/23/40](#) and [A/HRC/29/32](#), para. 15) and freedom of association and assembly (see [A/HRC/31/66](#), paras. 73–78 and [A/72/135](#), paras. 47–50) to the prohibition of discrimination and more. Interference with the right to privacy can have a disproportionate impact on certain individuals and/or groups, thus exacerbating inequality and discrimination. Overbroad privacy regulations may also amount to undue limitations of other rights, in particular freedom of expression, for example when a disproportionate regulation interferes with legitimate news reporting, artistic expression or scientific research. For lack of space, the interrelationship between the right to privacy and all other human rights, its discriminatory impact on specific individuals and groups, and approaches to protect them cannot be examined in the present report”).

or abuse human rights, in particular the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and is therefore an issue of increasing concern,” “with particular effects on women, as well as children and those who are vulnerable and marginalized.”⁶⁰

40. Recall [S/RES/2178](#) (2014), which “*calls upon* Member States to act cooperatively when taking national measures to prevent terrorists from exploiting technology, communications and resources to incite support for terrorist acts, while respecting human rights and fundamental freedoms and in compliance with other obligations under international law”⁶¹ and consider that the Global Counter-Terrorism Strategy should respond to new technologies in dynamic and human rights based ways, specifically for new technologies, and the promotion and protection human rights.
41. Recognize the discriminatory impacts, both direct and indirect, as highlighted by the report of Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, ([A/HRC/44/57](#)), which highlighted that “even where discrimination is not intended, indirect discrimination can result from using innocuous and genuinely relevant criteria that also operate as proxies for race and ethnicity. Other concerns include the use of and reliance on predictive models that incorporate historical data – data often reflecting discriminatory biases and inaccurate profiling – including in contexts such as law enforcement, national security and immigration.”⁶² Opportunities for reflection on this point are included in the current GCTS.⁶³ Moreover, this corresponds directly to language included in the [A/RES/72/284](#), which “*urges* all States to respect and protect the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, including in the context of digital communication, also while countering terrorism, in accordance with international law, in particular international human rights law, and to take measures to ensure that interferences with or restrictions on that right are not arbitrary or unlawful and are subject to effective oversight and to appropriate redress, including through judicial review or other legal means.”⁶⁴
42. Consider the role and primacy of respect for international law in the exchange of information, emphasizing that such practices should conform to international law standards and, where possible be conducted through well-defined mutual legal assistance treaties that emphasize transparency, institutional accountability, and safeguarding of human rights, including principles of proportionality, data protection and policies on use and retention.
43. Consider the balance required to maintain the protection of fundamental rights associated with right to privacy, freedom of expression, as well as the principle of legal certainty

⁶⁰ [A/RES/73/179](#).

⁶¹ [S/RES/2178](#) (2014), preambular text.

⁶² [A/HRC/44/57](#), para. 8.

⁶³ [A/RES/72/284](#), OP 19.

⁶⁴ [A/RES/72/284](#), OP 19.

while seeking to respond, and to improve information-sharing capabilities in line with international law and through, where applicable mutual legal assistance treaties.⁶⁵

Priority 7: Institutional Architecture & Human Rights Mainstreaming

In addition to the above priorities of the mandate, the Special Rapporteur acknowledges the unique role that questions around architecture, long-term planning for effectiveness, value for money and sustainability, as well as oversight and accountability play. In this regard, the Special Rapporteur offers a few, targeted recommendations to speak specifically to the mandate's role on promoting human rights and fundamental freedoms while countering terrorism, including as an institutional member of the Global Compact. The coordination mandate of UNOCT remains ever more important to ensure the parallel reform efforts of the Secretary-General for efficient, cost-sensitive, One-UN approaches at the country level are successful and streamlined through the Resident Coordinator's Office and senior UN officials with the designated authority in relevant Special Political Missions and Peacekeeping Missions. The realization of human rights mainstreaming goals across the GCTS also requires a careful analysis of the existing resource constraints and inequalities for human rights within the existing U.N. counter-terrorism architecture. Balanced implementation of Pillar IV and mainstreaming human rights throughout the GCTS will also require matching financial commitments. The mandate emphasizes that this remains one of many steps towards improving the possibility for independent human rights impact assessments, adherence to the U.N. Due Diligence Policy and greater independent oversight.

44. Reemphasize a redoubling of support for UNOCT's coordination mandate to strengthen coherence in counter-terrorism efforts in the United Nations, maximize synergies, *and* promote transparencies and efficiencies.⁶⁶
45. Emphasize the request to the Secretary-General to ensure that the Office maintains and fosters efficiencies to ensure sustainability leveraging the comparative advantage of Compact entities.⁶⁷
46. Prioritize compliance with the [United Nations Human Rights Due Diligence Policy](#).⁶⁸
47. Encourage common approaches to effective monitoring and evaluation to better measure the impact of United Nations counter-terrorism work on the ground that take into consideration best practices in monitoring and evaluation, and are informed by long-term lenses of sustainability, organizational risk management, value for money, and due diligence and the principle of do no harm.

⁶⁵ [S/RES/2396](#), OP 24.

⁶⁶ [A/RES/72/284](#), OP 61 (“...recognizes the continued need to enhance the visibility and effectiveness of United Nations counter-terrorism activities, underlines the importance of enhancing counter-terrorism efforts undertaken by all relevant United Nations agencies and bodies in accordance with their existing mandates, and encourages the Office of Counter-Terrorism to continue its collaboration with those agencies and bodies while also ensuring overall coordination and coherence in the counter-terrorism efforts of the United Nations system, with a view to maximizing synergies, promoting transparency and greater efficiencies and avoiding duplication of their work”).

⁶⁷ [A/RES/72/284](#), OP 61.

⁶⁸ [A/67/775-S/2013/110](#).

48. Consider the role of the Office of the Secretary-General to consider modalities establishing an independent, adequately funded and sufficiently empowered human rights oversight office within the Global Coordination utilizing best practice models of independent reviewers of terrorism at national level, in order to provide full-time, fully staffed and independent reports to Member States on compliance with and oversight of international law and human rights obligations in the counter-terrorism and countering violent extremism arenas by United Nations entities, as well cross-cutting guidance to States on counter-terrorism law and policy with human rights implications. The mandate has taken a consistent position on Member State and United Nations counter-terrorism operations and the necessity of independent human rights oversight. In this regard, the mandate encourages consideration of approaches to independent oversight to hold the United Nations and Member States mutually accountable for commitments on human rights. This further encourages transparency among the United Nations entities, fosters greater evaluation and understanding of impact, contributes to parallel efforts of Member States in conflict prevention, and the maintenance of peace and security.
49. Underscore the role, within the United Nations, of the Counter-Terrorism Committee Executive Directorate, including in assessing issues and trends relating to the implementation of Security Council resolutions [1373 \(2001\)](#) of 28 September 2001, [1624 \(2005\)](#) of 14 September 2005 and [2178 \(2014\)](#), in accordance with its mandate and Council resolution [2395 \(2017\)](#) of 21 December 2017, taking note the particular importance of coordination and cooperation with civil society, academia, think tanks, and the private sector, and *noting* the importance of engaging, as appropriate, with women-, youth-, and locally-focused entities.”⁶⁹ The mandate takes note of the recent release of Finland’s report and encourages greater transparency in the assessment process.⁷⁰

⁶⁹ [S/RES/2395](#) (2017).

⁷⁰ CTED, [Report of the Counter-Terrorism Committee on its follow-up visit to the Republic of Finland](#) (9–11 April 2019).