



**Working Group on Protecting Human Rights While Countering Terrorism
United Nations Counter-Terrorism Implementation Task Force (CTITF)
Workshop ‘Developing Practical Tools’
New York, 16 September 2008
Conference Room 3**

On 16 September 2008, the Counter-Terrorism Implementation Task Force Working Group ‘Protecting human rights while countering terrorism’ organized a one-day Workshop on the development of practical tools to assist Member States in adopting measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism. The Workshop was attended by Chairs of regional groups, interested Member States selected within their regional groups, and Working Group Members.

I. Participation

- **Member States**: Bolivia (Chair of the Group of Latin American and Caribbean States) Bosnia and Herzegovina (Chair of the Group of Eastern European States), Greece (Chair of the Group of Western and Other States, India (Chair of the Group of Asian States), Belgium, Bulgaria, Costa Rica, Mexico, Montenegro, The Netherlands, Nicaragua, Panama, The Russian Federation.
- **Working Group Members**: OHCHR (Chair), CTED, UNODC, EOSG, OLA, OCHA.

II. Purpose of the Note

- To summarize the discussions during the Workshop;
- To facilitate information-sharing between the Working Group and Member States;
- To put forward the Working Group’s next course of action.

III. Background

The mandate of the Working Group stems from the fourth pillar of action of the Global Counter-Terrorism Strategy. The Working Group supports efforts of Member States to ensure the promotion and protection of all human rights in the context of counter-terrorism. This includes the development of proposals for strengthening support to Member States at the national level. To this end, the Working Group has planned, inter alia, to facilitate an exchange of information on priority human rights concerns, as well as good practice examples at the national and regional levels, including through workshops and the development of practical tools.

Based on an assessment of the Office of the High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights while countering terrorism in their reports to the Human Rights Council and to the General Assembly, the Working Group had agreed that additional guidance to clarify human rights obligations and ensure human rights compliance would be useful in the following ten areas of counter-terrorism measures or policies that are used by Member States:

- detention
- formulation of criminal charges,
- proscription of organizations,
- sanctions against individuals or entities,
- interception of communications,
- stopping and searching of persons,
- searching of premises and seizure of documents or other property,
- designing of security infrastructure,
- demolition of housing or other private property,
- use of firearms, particularly in the context of suicide terrorism.

The ten priority areas, which represent a non-exhaustive list of measures, were presented to the Chairs of the Regional Groups during an initial consultation which took place on 25 July 2008. Once developed, the practical tools will serve as reference documents to guide national action, serve as checklists for national assessment processes and address capacity building needs of Member States in relation to the ten abovementioned areas. These measures address a variety of civil, political, economic, social and cultural rights.

IV. Proceedings

The Director of OHCHR/NYO and Chair of the Working Group ‘Protecting human rights while countering terrorism’ opened the Workshop and welcomed participants. He highlighted that the primary aim of the Workshop was to achieve the full involvement of Member States in the work of the Working Group, as well as to discuss priority human rights concerns in the context of countering terrorism, in the proposed selected areas, to foster better human rights compliance in the design and implementation of counter-terrorism measures. Regarding the modalities for Member States’ participation in the Workshop, he noted that by having the Chairs of the Regional Groups as well as some interested Member States selected within their regional groups, the Working Group had aimed to achieve maximum consultation and transparency with Member States from different geographic regions within the limited resources of the Working Group.

The Chair of the CTITF presented the first session, entitled ‘Supporting Member States in the implementation of the Human Rights Pillar of the United Nations Global Counter-Terrorism Strategy’. He recalled the importance of human rights in the UN Global Counter-Terrorism Strategy, stressing the need to address the gaps and weaknesses in the implementation of the human rights aspects of the Strategy at national, regional and international levels, as well as to focus on areas where States may need additional support. He also highlighted that the Symposium on Supporting Victims of Terrorism,

convened by the Secretary-General on 9 September, had shown the importance of respecting human rights as the fundamental basis of the fight against terrorism.

The second session was introduced by the Deputy Director of OHCHR/NYO, who presented the ten priority areas, their legal framework and the challenges they pose to human rights.

The third session, with introductory presentations by CTED and OHCHR, aimed at providing participants with an overview of the human rights standards and instruments applicable in the counter-terrorism context, as well as Charter and treaty-based bodies and mechanisms both at the global and regional levels that could be used for the development of the tools. It highlighted that the tools should be developed based on the existing instruments applicable to all Member States as universal values and obligations. CTED stressed the relevance of the anticipated tools, not only in relation to the Global Strategy, but also to the Counter-Terrorism Committee's work on implementation of Security Council resolutions 1373 (2001) and 1624 (2005). A number of previous experiences in this area as well as good practices were shared.

Finally, the fourth session was introduced by a representative of UNODC, and focused on "The outcome tools, including their format and dissemination". Experience gained from the elaboration of a range of technical assistance tools and substantive publications, including the "Electronic Legal Resources on International Terrorism" was shared. The discussion addressed questions relating to the targeted audience, the possible content and the operationalization modalities of the planned tools.

Main points of the discussion:

- Participants recalled the importance of protecting human rights while countering terrorism, and highlighted the usefulness of the Workshop, including its participatory approach.
- The participating chairs of regional groups noted that as they did not have a mandate from their regional groups to represent their views, they participated in the Workshop in their individual capacities as individual Member States. They also suggested that the Working Group should re-think the issues of participation and information sharing with Member States, with a view to enhancing transparency and ownership. On this issue, the Chair of the CTITF noted that the workshop of the Working Group did not replace the usual informal briefings of the CTITF to the General Assembly. It rather has a complementary role to those briefings.
- On the various issues put forward by the Working Group, participating Member States highlighted a number of areas of interest, as part of national priorities, or issues of concern. Some participating Member States noted that the Working Group should focus on areas where little codification and monitoring existed, whereas others believed that the Working Group should focus on areas where codification and standards already exist, so as to provide additional clarity. Some Member States also highlighted issues of concern which were not included in the

list of ten priority areas, including torture. It was overall noted that the list should not be considered exhaustive.

- Regarding the issue of the format for the tools, Member States highlighted the importance of considering suitable methods of delivery. While all speakers underlined the need to choose user friendly, easy to access and easy to read formats, some explicitly mentioned their preference for internet-based tools. The issue of translation of the tools into UN and non-UN languages was highlighted, to ensure access as widely as possible. The value of civil society involvement was also mentioned.
- Member States underlined that the tools should be targeted to the needs of those directly involved in the day-to-day implementation of counter-terrorism measures and policies, including policy makers, practitioners and civil society. Some participants noted the importance of exploring possibilities for transforming the tools into training materials.

In conclusion, participants demonstrated their flexibility regarding the question as to which of the ten tools were to be developed first. They explicitly mentioned the need to ensure that the tools are developed quickly, and are delivered in due time.

The Chair of the Working Group informed participants that, in consultation with Members of the Working Group, he would prepare a note on the outcome of the meeting, including the proposal for the first tools to be developed. This note would then be shared with Regional Group Chairs and interested Member States.

V. Outcome

The Chair of the Working Group proposed, and the Working Group endorsed, that the first four tools be developed on the following issues:

- Conformity of national counter-terrorism legislation with international human rights law¹;
- Proscription of organizations;
- Designing security infrastructure;
- Stopping and searching of persons.

Regarding the format, the tools will be an internet-based, easily accessible check-list. Relevant international and regional human rights treaties and conventions, UN-standards and norms, as well as general comments, jurisprudence and conclusions of human rights mechanisms, reports of UN independent experts, best practice examples and relevant documents prepared by UN entities and organizations will be referred to and included as a compilation of supporting documents for the checklist. It is expected that the tools will be useful in providing clear guidance as to how Member States can adopt human rights compliant measures, initially in the four selected areas.

¹ The original title of the proposed tool was 'Formulation of criminal charges'. Following discussions within the Working Group on the most adequate title, 'Conformity of national counter-terrorism legislation with international human rights law' has been adopted as a working title. The content of the tool, presented at the 16 September 2008 consultation, remains the same.