



**United Nations Counter-Terrorism Implementation Task Force
Working Group ‘Protecting Human Rights While Countering Terrorism’**

**Expert Seminar on
‘The impact of terrorism and counter-terrorism measures on the enjoyment
of economic, social and cultural rights (ESCR)’**

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Executive Summary

The seminar was organized by the CTITF Working Group on Protecting Human Rights While Countering Terrorism and gathered experts from various regions of the world.

In the first session, participants undertook a review of States' legal obligations in the field of ESCR in relation to terrorism and counter-terrorism measures. They set forth the general legal framework and focused on two specific issues, relevant to the context: the right to self-determination and the issue of targeted sanctions.

In the second session, participants examined the impact of terrorism and counter-terrorism measures on the enjoyment of ESCR. The very serious impact that terrorism has on individual rights – civil, political, economic, social and cultural – was recognized, as was its role in creating a climate of fear and insecurity. Participants made clear that States have not only a right, but also a duty to respond to acts of terrorism and to take preventive measures. At the same time, participants recalled that any response needs to comply with international law, including human rights law, and that it needs to be proportionate, which includes examining its impact on ESCR.

Participants discussed various cases where counter-terrorism measures are in violation of or have a collateral impact on ESCR; cases where social protests and claims for ESCR are criminalized in the name of counter-terrorism; as well as cases of social stigmatization of groups of people as a result of terrorism and/or counter-terrorism measures, preventing members of these groups from enjoying their full ESCR.

In the third session, participants focused on the link between ESCR and civil and political rights as indivisible rights. Participants highlighted the need to legally reframe the discourse on terrorism and counter-terrorism measures so as to ensure the inclusion of ESCR together with civil and political rights. Discussions included the issue of states of emergency.

In the fourth session, participants discussed means of monitoring the effect of counter-terrorism measures on ESCR and ways to prevent violations. They examined the role of human rights mechanisms, including the role of the judiciary, and discussed questions of access to justice, of existence of remedies for violations of ESCR and of impunity. Participants highlighted the need to make ESCR justiciable and subject to the rule of law.

In the fifth session, participants focused on the linkage between conditions conducive to terrorism and the inadequate fulfillment of ESCR. They examined the preventive nature of counter-terrorism measures and discussed a number of conditions which may be conducive to terrorism. Participants noted that violations of ESCR may be a contributing factor conducive to terrorism, but that it is neither the full explanation nor an excuse or justification for terrorism.

Conclusions and recommendations made by participating experts at the seminar can be found at the end of the report.

I. Background

1. Through the United Nations Global Counter-Terrorism Strategy, unanimously adopted by the General Assembly on 8 September 2006¹ and reaffirmed on 5 September 2008², all UN Member States agreed on a coordinated and comprehensive response to terrorism, including the promotion and protection of human rights for all and respect for the rule of law as essential to all components of the Strategy. Member States recognized that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing. They also recognized the need to tackle the conditions conducive to the spread of terrorism, which include “prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance”.
2. The mandate of the CTITF Working Group ‘Protecting Human Rights While Countering Terrorism’ 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 human rights in the context of counter-terrorism. This includes an assessment of support and assistance currently available to Member States, the identification of gaps and weaknesses, and the development of proposals to strengthen support to Member States at the national level. To this end, the Working Group facilitates 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.
3. By organizing an expert seminar on the impact of terrorism and counter-terrorism measures on the enjoyment of economic, social and cultural rights (ESCR) in Geneva 5-7 November 2008, the CTITF Working Group ‘Protecting Human Rights While Countering Terrorism’ responded to a request from some Member States for guidance in the area of terrorism, counter-terrorism and ESCR – an area that, according to many, so far has been given less attention than that of civil and political rights.
4. The achievement of global security objectives will not be possible without concerted efforts towards the realization of all human rights. More research and study of the linkages between terrorism, counter-terrorism measures and human rights are of great importance, and the expert seminar in Geneva aimed at addressing this need, with a specific focus on the enjoyment of ESCR.
5. The seminar was attended by experts from various regions of the world as well as some members of the Working Group.

¹ A/RES/60/288.

² A/RES/62/272

6. The seminar included five sessions on the following issues:
 - Review of States' legal obligations in the field of ESCR in relation to terrorism and counter-terrorism and clarification of those rights;
 - the impact of terrorism and counter-terrorism measures and policies on the enjoyment of ESCR;
 - the linkages between ESCR and civil and political rights as indivisible rights in the context of counter-terrorism;
 - means of monitoring the effect of counter-terrorism measures on ESCR and ways to prevent violations;
 - the linkage between conditions conducive to terrorism and the inadequate fulfilment of ESCR.
7. The report constitutes a general summary of some of the discussions and points of view presented at the seminar, followed by conclusions and recommendations made by participants during the seminar³. A concept note for the seminar may be found in Annex 1, the agenda in Annex 2 and a list of participants in Annex 3.

II. Review of States' legal obligations in the field of ESCR in relation to terrorism and counter-terrorism and clarification of those rights

8. During the first session, participants discussed the general legal framework of ESCR, including State obligations relevant to the context of terrorism and countering terrorism. They then examined two specific examples: first, the right to self-determination, as enshrined in Article 1 of the International Covenant on Economic Social and Cultural Rights (ICESCR) and, second, the issue of targeted sanctions. In this context, participants focused on the ICESCR, including its General Comments, other sets of principles⁴ as well as regional and national instruments.
9. Participants discussed the main characteristics of ESCR, including the nature of States' obligations to protect, respect, promote and fulfill the rights contained in the ICESCR. They then focused on the obligation set forth in Article 2(1) of the ICESCR to 'take steps', 'to the maximum of [a State's] available resources', 'to achieve

³ When the report refers to 'participants', it does not indicate that all participants voiced an opinion or agreed on the statement or recommendation in question. The report is a summary of discussions, view points and recommendations presented at the seminar, and it does not necessarily reflect the view of members of the Working Group on Protecting Human Rights While Countering Terrorism.

⁴ The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986) and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997), both developed to clarify States' legal obligations in the field of ESCR.

progressively’ the rights recognized, ‘by all appropriate means’, as expanded upon in General Comment 3 of the Committee on ESCR (CESCR). In relation to progressive realization, the obligation to move as expeditiously and effectively as possible⁵ was highlighted.

10. Participants noted the existence of minimum core obligations⁶ to ensure the satisfaction of minimum essential levels of each of the rights, without which a right would lose its substantive significance as a human right, and in the absence of which a State should be considered in violation of its international obligations. Participants also referred to the concept of ‘reasonable standard’, applicable in certain States.
11. Although Article 2(1) of the ICESCR refers to ‘progressive realization’ of covenant rights, recognizing that States need some leeway in the implementation of certain rights, the CESCR has recognized that there exist obligations of immediate effect under the ICESCR. Participants referred to the evolving jurisprudence of the ICESCR, which considers gender equality, non-discrimination and the prohibition of forced evictions as being of immediate effect, since there is no need for additional resources for these rights to be implemented. Another such obligation is the duty to take steps towards the full realization of the rights contained in the ICESCR⁷.
12. Participants mentioned that the ICESCR does not contain any provision relating to the possibility of derogating from the rights contained therein, but that the General Comments refer to the non-derogability of core obligations⁸. Participants noted that violations of ESCR can occur through the adoption of any retrogressive measure that reduces the extent to which any right is already guaranteed⁹ and that there is a strong presumption that these retrogressive measures are prohibited under the ICESCR¹⁰. In all cases, States must ensure that counter-terrorism measures which impact on ESCR are fully justified by reference to the totality of rights provided for in the ICESCR¹¹, i.e. that they are taken in pursuit of a pressing goal, that they are strictly necessary and that no less restrictive measures were available to achieve the same goal.
13. Regarding the legal framework, participants underlined the need to ensure that the obligations under the ICESCR not be limited to citizens but also extended to non-nationals, including refugees and asylum seekers, and that the extraterritorial application of the ICESCR be recognized¹².

⁵ See CESCR General Comment 3, para. 9.

⁶ See CESCR General Comment 3, para. 10.

⁷ CESCR General Comments No. 1 and No. 3 and Limburg Principles, Principles 8, 16, 21-24.

⁸ See CESCR General Comment 14, para. 47 and General Comment 15, para. 40.

⁹ See Maastricht Guidelines, *op.cit.*

¹⁰ See CESCR General Comment 15, para. 19.

¹¹ See CESCR General Comment 3, para. 9.

¹² See Human rights Committee, General Comment 31 on Article 2 of the International Covenant on Civil and Political Rights, regarding the obligation to “respect and to ensure to all the Covenant rights to all persons who may be within their territory and to all persons subject to their jurisdiction, which means that a State Party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that state Party, even if not situated within the territory of that State Party”.

14. In addition, participants stressed the need to ensure that all counter-terrorism measures conform to the legal framework applicable at the time of their adoption. In particular, international human rights obligations, including obligations under the ICESCR, must be respected at all times, even when international humanitarian law applies. In this regard, participants emphasized that from a legal perspective, the phrase ‘war on terrorism’ should not be used, because the rules which regulate armed conflicts are very specific, and it is important to ensure that this legal regime’s applicability is limited to situations of armed conflict.
15. One of the concrete examples examined during this session was that of self-determination, as protected in common Article 1 of the International Covenant of Civil and Political Rights (ICCPR) and of the ICESCR (‘[a]ll peoples have the right of self determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development’), which may be considered as a norm of *jus cogens*¹³. A presentation was made on this right, arguing that this provision must be taken into account when addressing terrorism and counter-terrorism measures.
16. It was noted that some regional conventions¹⁴ explicitly exclude self-determination movements from the realm of terrorism. The International Convention for the Suppression of Terrorist Bombings does not provide for a protected category of those fighting for self-determination, but does provide for an exclusion clause, which removes certain acts in armed conflicts from the scope of the Convention¹⁵. Thus, for the purposes of this universal convention, the rule focuses on whether or not the acts are carried out by armed forces, rather than on whether the act is perpetrated for self-determination purposes. Therefore, the concept of self-determination is less relevant in this context, it was argued.
17. It was noted that the concept of the right to self-determination remains particularly relevant where measures taken to counter terrorism include the listing or the proscription of alleged terrorist groups and organisations by Governments. It was argued that the content of the right to self-determination embodied in common Article 1 of the two Covenants is thus not void and that any limitation of the right must be considered in the context of these provisions.

¹³ Peremptory norm from which no derogation is ever allowed.

¹⁴ These include the Convention of the Organisation of the Islamic Conference on Combating International Terrorism, the Organisation of African Unity Convention on the Prevention and Combating of Terrorism and the Arab Convention for the Suppression of Terrorism. It was noted that these Conventions only applied between State parties to them.

¹⁵ The Convention explicitly excludes from the ambit of its scope of application (1) the activities of armed forces during an armed conflict, as understood under international humanitarian law, and (2) the activities undertaken by military forces of a State in the exercise of their official duties. It was suggested that this included both regular and irregular armed forces, in line with international humanitarian law. A/52/49 (1998), Article 19.

18. The impact of targeted sanctions on ESCR was another specific issue examined at the seminar. It was emphasized that while sanctions are necessary tools for the Security Council to maintain international peace and security, ESCR are also part and parcel of the UN system as a whole. Participants noted that the development of targeted sanctions was a reaction to the negative impact of comprehensive sanctions, including on ESCR¹⁶. However, due to the listing procedures under the 1267 Al Qaeda/Taliban regime, it was argued that a negative impact on human rights continues to exist, although admittedly to a lesser extent than in the case of comprehensive sanctions. It was also noted by some that the impact of targeted sanctions on ESCR is not systematically assessed by the Sanctions Monitoring Team, nor does it seem to be the case that the Sanctions Committee pays particular attention to this issue in its listing decisions. According to other participants, however, internal sanctions under UN Security Council resolution 1373 (2001) raise greater challenges to ESCR than those under the 1267 Al Qaeda/Taliban regime, as they are broader in scope and often more politicized. In this context it was noted that paragraph 109 of the World Summit Outcome of 2005 requires that ‘fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions’.
19. The obvious limit that targeted sanctions put on the enjoyment of ESCR of targeted individuals was discussed. The freezing of assets limits the right to property, which may not be disproportionate per se, but the right may still be violated if procedural requirements, including the reasonable opportunity of presenting the case to the relevant authorities, are not respected¹⁷. Participants noted that the proportionality of the limitation should be assessed with regard to (1) the time period during which the freezing measures are imposed, and (2) the existing review system to assess whether the limitation is still justified. Participants emphasized the importance of a periodic review¹⁸.
20. Targeted sanctions also affect the ESCR of third persons, for whom the equivalent of a right for third States to consult the Security Council under article 50 of the UN Charter does not exist. Examples of third persons affected include family members of

¹⁶ See Committee on Economic, Social and Cultural Rights, General Comment 8 on the relationship between economic sanctions and economic, social and cultural rights, in 1997: “Sanctions almost always have a dramatic impact on economic, social and cultural rights. For example, they often cause significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, severely interfere with the functioning of basic health and education systems, and undermine the right to work.”

¹⁷ See European Court of Justice, *Bosphorus Hava Yolları Turizm ve Ticaret AS v. Minister for Transport, Energy and Communications and others*, Case C-84/95, 30 July 1996 and Court of First Instance of the European Communities, 21 September 2005, joint cases T-315/01 *Kadi v. Council and Commission* and case T-306/01 *Yusuf and Al Barakaat International Foundation v. Council and Commission*.

¹⁸ The proposal of the Sanctions Monitoring Team that a review should take place every four years after initial placement on the list, and that the standards for listing should also increase over time given that the measures become more *de facto* punitive in nature was highlighted (Sanctions Monitoring Team, seventh report, S/2007/677, paras. 39-48), as was the proposal of the Special Rapporteur on the promotion and protection of human rights while countering terrorism that such systematic review should take place every 6 to 12 months. See also UN Security Council resolution 1822 (30 June 2008), paras. 25 and 26.

listed individuals, or in some cases a large part of the population¹⁹. Participants noted that another dimension of this issue was that of national implementing legislation which criminalizes the provision of assistance to listed individuals.

21. Regarding humanitarian exemptions, which are set up to mitigate the effects of the listings, two issues were highlighted by participants in the context of the Taliban/Al Qaeda sanctions regime: (1) that targeted individuals depend on their States to apply for an exemption, and (2) that a State can grant an exemption only after it has notified the Sanctions Committee, and the Committee has not decided negatively within 48 hours. Some participants recommended that in cases of nominal expenses or expenses necessary for basic rights, States should be given full authority and be required only to report to the Committee on the exemptions they have given²⁰.
22. Some participants noted that the recent European Court of Justice judgment²¹ pointed to inadequacies in the current sanctions regime and highlighted that changes are necessary for a full enjoyment of civil and political rights as well as a direct prerequisite for a just assessment of its impact on ESCR. Some participants noted that the regime's effectiveness would be enhanced if ESCR were taken into account.

III. The impact of terrorism and counter-terrorism measures and policies on the enjoyment of ESCR

23. The very serious impact of terrorism on individual rights - civil, political, economic, social and cultural - was recognized, as was its role in creating a climate of fear and insecurity. Participants made clear that States have not only a right, but also a duty to respond to acts of terrorism, and to take preventive measures. However, at the same time, participants recalled that any response needs to comply with international law, including human rights law, and that it needs to be proportionate, which includes examining the actual impact of the counter-terrorism measures on ESCR.
24. Through concrete national and regional examples, participants examined different aspects of the impact of terrorism and counter-terrorism measures and policies on the enjoyment of ESCR, including in conflict situations.

¹⁹ Such as in the case of Al Barakaat which facilitated money transfers from individuals abroad to their family members, or in the case of freezing measures imposed on charity organizations whose work involves projects and activities that enhance the enjoyment of ESCR. Regarding the latter example, see Special Rapporteur on the promotion and protection of human rights while countering terrorism, A/HRC/6/17, para. 43.

²⁰ The Sanctions Monitoring team has also emphasized that there is a need to re-examine resolution 1452, which addressed the issue of humanitarian exemptions. See 5th and 6th report, the Sanctions Monitoring Team: S/2006/750, para. 58 and S/2007/132, para. 49.

²¹ Grand Chamber of the European Court of Justice, Kadi and Al Barakaat, joint cases C-402/05P and C-415/05P, 3 September 2008.

25. Cases where counter-terrorism measures violate ESCR or where counter-terrorism measures aim directly at a population or a given group were considered. The cases discussed included the prevention of humanitarian aid, food or water from arriving to areas where groups qualified as 'terrorist' by the Government were based, or where the population was accused of supporting these groups. These measures impact on the entire population's right to food, health and humanitarian assistance. Other examples included cases where evictions in 'high security zones' or the demolition of houses were used as means of countering terrorism, which impact on, *inter alia*, the right to housing. Participants noted that in addition, there are often no remedies and no right to challenge such violations. It was also argued that these types of measures could be considered as a form of collective punishment.
26. Participants emphasized that 'terrorism' or 'security' is sometimes used as a pretext to target ethnic minorities and migrants. One participant referred to situations where Governments adopt discriminatory counter-terrorism measures, even in the absence of any conflict, including invasive surveillance, finger printing campaigns targeting a specific ethnic group, the adoption of decrees stating that a particular minority is a security threat or adopting measures to facilitate their eviction. All of these measures have a serious impact on the ESCR of minorities. In this context, participants noted the need to make a clear distinction between, on one side, 'social control laws and policies', which include counter-terrorism measures and, on the other, security measures. Participants highlighted that not all security legislation can be considered as counter-terrorism legislation.
27. Cases where counter-terrorism measures have a collateral impact on ESCR were also discussed. These include cases of serious human rights violations, such as extraordinary renditions and disappearances, as well as the arrest and detention of farmers at the high seasons for agriculture, which primarily impact on civil and political rights, but also have a serious impact on the ESCR of the targeted individuals and their families. Participants noted that the issue of the impact on family members has been raised before the Working Group on Enforced and Involuntary Disappearances and before the European Court of Human Rights. Participants noted that the special impact of counter-terrorism measures on women and children's ESCR is often disregarded. In addition, some participants noted that a broader picture of the linkages and the impact may be obtained when looking at the issue of ESCR through the lens of collective rights.
28. In this context, the gender perspective was examined through the study of the situation of the wife of a victim of extraordinary rendition. It was noted that the violations of ESCR of which this particular woman had been a victim, including discrimination in the right to work and the right to adequate housing, had not been taken into account or compensated. Participants suggested that counter-terrorism measures might be different if they were developed taking ESCR, including women's rights, into consideration. It was also noted that the case in question illustrated how counter-terrorism measures can increase poverty as well as poverty-related discrimination.

29. Another problematic aspect discussed was the impact of Governments criminalizing social protests and claims for ESCR in the name of countering terrorism. This includes cases where Governments consider groups such as trade unions, labour rights movements, women's right movements as 'terrorist'. The military concept of an "internal enemy" was also considered as falling within this category. Another related development identified by participants was the treatment of human rights defenders as 'terrorists'. In this regard, participants noted the need for NGOs to work more closely together to denounce this trend. In this context, the question of 'defendable actions' or boundaries of human rights defenders' actions was raised.
30. The issue of social stigmatization of certain groups as a result of terrorism and counter-terrorism measures, preventing these groups from enjoying their full ESCR, was also examined at the seminar. The discrimination ensuing from the stigmatization of whole religious, ethnic, or political groups, which are labeled as 'supporting terrorism', limits their enjoyment of a number of ESCR. This happens through discrimination in, *inter alia*, access to work, housing and health care and especially impacts on vulnerable groups, such as migrants and minorities, and has a direct impact on poverty. It was argued that where human rights defenders are stigmatized, not only does the stigmatization discredit the cause defended, it also often prevents these defenders from bringing their case to an international forum to be discussed or before international human rights bodies.

IV. The linkages between ESCR and civil and political rights as indivisible rights in the context of countering terrorism

31. In the third panel, participants focused on the link between ESCR and civil and political rights as indivisible rights.
32. Participants noted that there is a link between the denial of ESCR and situations of violence. In particular, they cited the studies carried out by the Organisation Mondiale Contre la Torture (OMCT) which demonstrated the existence of a clear link between violations of ESCR and torture, ill-treatment and other forms of violence and showed that improvement of those conditions can, and are necessary to, reduce violence²². Reference was made to a vicious circle, where violations of ESCR - in particular of the right to education and work – may lead to violence that, in turn, may lead to violations of civil and political rights that, in turn, may lead to more violations of ESCR.

²² OMCT, "Attacking the root causes of torture – Poverty, Inequality and Violence. An Interdisciplinary Study", available at <www.omct.org>.

33. Participants stressed that this is of course not an automatic linkage and that far from all individuals who suffer from poverty or suffer violations of their ESCR become violent, radicalized or resort to terrorism. Participants stated that more research needs to be carried out on the relation between conditions conducive to terrorism and actual radicalization. In relation to radicalization, many participants agreed that questions of oppression, discrimination and lack of means of democratic political expression are typically more important than situations of poverty.
34. Participants noted that the links between ESCR and civil and political rights are manifold. The interrelatedness is recognized in the Universal Declaration on Human Rights and in the 1993 Vienna Declaration and Plan of Action. It was noted that in some regional instruments, such as the African Charter, no differentiation is made between the two sets of rights. In addition, participants noted that non-discrimination and equality are issues that cut across both sets of rights.
35. Participants noted that some civil and political rights impact on ESCR, such as limitations of freedom of movement on the right to housing and the right to work; and likewise, some ESCR impact on civil and political rights, such as the right to water and food on the right to life. In some jurisdictions, some ESCR are indirectly covered through the protection of civil and political rights. By way of example, the right to health care, the right to housing and the right to food are somewhere seen as being part of the right to life, and elsewhere, some ESCR have been protected through the right to dignity as well as through principles of equality and non-discrimination.
36. Participants noted that ESCR have not in general been a high priority in the human rights discourse when discussing counter-terrorism. Largely due to the nature of counter-terrorism measures, it was argued that the focus of the discourse has mainly been on civil and political rights, leaving less space for discussion of the positive measures that States need to adopt to implement ESCR. Participants highlighted the need to legally reframe the discussion so as to ensure the inclusion of ESCR in these discussions, as this would affect (i) the measures taken by States to counter terrorism, (ii) the measures adopted by States to prevent terrorism, and (iii) the issues taken into account when addressing a specific terrorism situation.
37. One of the main challenges in this context is the legal framing of states of emergency. Focusing primarily on European Court of Human Rights case-law, participants highlighted that concepts such as “threat to the life of the nation” encompassed only civil and political rights, including issues linked to the right to a fair trial and against arbitrary detention.
38. According to participants, the limited focus on ESCR is especially problematic in the context of long-standing states of emergency, where there is an evident need for taking the socio-economic situation into account. When dealing with terrorism, participants noted the need to address ESCR, both as a possible condition conducive to terrorism and as part of any solution. Participants thus highlighted the need to rethink the concept of security to include ESCR.

39. Participants noted that the notion of a state of emergency – or of a threat to the life of the nation – has been largely abused since 11 September 2001. While at any given moment, the number of individuals actively engaged in preparing or carrying out terrorist acts is small, the exceptional measures taken to counter terrorism affect entire communities and often become permanent. Some participants labelled these counter-terrorism measures as ‘intermediary’, i.e. somewhere between normal and emergency.
40. Examining various conflict situations and peace processes, participants stressed the need for ESCR to be entirely entrenched in any peace negotiation and agreement, providing for the same level of protection and same enforcement mechanisms as those provided for civil and political rights.
41. Measures violating ESCR can potentially lead to radicalization and violent and criminal behaviour. While there is absolutely no excuse for terrorist acts, States need to take a consistent approach to the problem and ensure that all of their actions are taken within a rule of law framework, including respect for ESCR. Participants explained that a coherent human rights response to terrorism should happen through the promotion of the idea that human rights offer effective remedies to poverty, social exclusion and injustice within a rule of law context. It was also stressed that where States do not seriously attempt to provide effective remedies to poverty, social exclusion and injustice, they are not effectively meeting their obligation to protect human rights by addressing the conditions conducive to the spread of terrorism.

V. Means of monitoring the effect of counter-terrorism measures on ESCR and ways to prevent violations

42. In the fourth panel, participants noted that human rights treaty bodies, in particular the CESCR, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women and the Human Rights Committee, are well placed to monitor the implementation by States of counter-terrorism measures and their compliance with international human rights law, including the ICESCR. Participants highlighted that the CESCR has looked at the impact of counter-terrorism measures²³ as well as terrorism on ESCR²⁴. Some participants noted that human rights monitoring, by definition, needs to focus on counter-terrorism measures adopted by States, rather than on acts committed by terrorists who are not accountable under the human rights framework. It was argued by participants that challenges include lack or delays in reporting from State parties to the Committees, as well as delays from the Committees in examining the reports, which may render any intervention or monitoring by treaty bodies extremely difficult.

²³ CESCR, E/C.12/1/Add.105, para. 14

²⁴ CESCR, E/C.12/1/Add.71, para. 8.

43. Participants stressed that Special Procedures²⁵ are uniquely placed to examine the human rights implications of counter-terrorism measures because of their independence and global mandates (for thematic mandates). It was noted that a number of Special Procedures, in particular the Special Rapporteur on the protection and promotion of human rights while countering terrorism, has already looked at some of the aspects in relation to counter-terrorism and human rights, including ESCR, and that it may be useful to carry out an assessment of the work that has already been done. Participants highlighted the various actions that could be undertaken by Special Procedures mandate holders, either independently or collectively: (1) issuing public statements, either policy-oriented or highlighting specific cases; (2) placing the issue of counter-terrorism, with a focus on ESCR, on the agenda when carrying out country visits, or even specifically go to places where alleged violations have occurred; (3) sending communications in relation to counter-terrorism and ESCR to Governments; and (4) standard-setting, for instance through the issuance of guidelines²⁶.
44. A number of other important human rights mechanisms²⁷ for the monitoring of ESCR in the context of countering terrorism were referred to. These include the new Human Rights Council Complaints Procedure and the Universal Periodic Review, where the various reports include a section on ESCR, which can encourage NGOs to highlight where counter-terrorism measures impact on ESCR. At the regional level, a number of regional mechanisms were referred to, such as the African Court and the African Peer Review mechanism, the Inter-American Commission and the European Court of Human Rights. At the national level, the preventive role and monitoring function of national human rights institutions were highlighted, as was the role of the legislature in drafting legislation and deciding on budget allocations, particularly important where ESCR and security are concerned. Additionally, participants recommended that a section on ESCR be included in States' reports to the Counter-Terrorism Committee because States report to the Committee even in the absence of reporting to treaty bodies.
45. The key role of the CTITF Working Group 'Protecting Human Rights While Countering Terrorism' as a mechanism to facilitate an exchange of information on priority human rights concerns, as well as good practice examples at the national and regional levels, was emphasized as was its unique position to raise awareness, clarify obligations and provide guidance and technical assistance to Member States in the field of protecting ESCR while countering terrorism. The fact that some Member States had requested the Working Group to examine the issue of the link between

²⁵ "Special procedures" is the general name given to the mechanisms established by the Commission on Human Rights and assumed by the Human Rights Council to address either specific country situations or thematic issues in all parts of the world.

²⁶ Examples include the Basic Principles and Guidelines on Development-based evictions and displacement, A/HRC/4/18, and Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2.

²⁷ These include different human rights monitoring mechanisms in the United Nations system: UN Charter-based bodies, including the Human Rights Council, and bodies created under the international human rights treaties and made up of independent experts mandated to monitor State parties' compliance with their treaty obligations.

terrorism, counter-terrorism measures and ESCR was underlined. The broad membership of the Working Group was noted as an asset, allowing the Working Group to tackle issues from a range of different angles.

46. Participants highlighted the difficulty of ensuring that counter-terrorism measures that affect ESCR are examined by courts, referring to the fact that the judiciary often does not exercise the powers available to it in relation to ESCR and counter-terrorism. The question of access to justice and of existence of remedies for violations of ESCR was underscored as a crucial aspect of the debate. As human rights, ESCR need to be made justiciable and subject to the rule of law. It was argued that independent judicial review of States' counter-terrorism measures, including those affecting ESCR, is the best guarantee of respect for proportionality, effectiveness and legitimacy.
47. It was mentioned that an additional difficulty in this area is that even where rights are justiciable and where decisions have been taken by courts, they are not necessarily implemented. Participants also noted that the judiciary often has a limited role regarding the prevention of violations, and they also underlined as a challenge the length of judicial proceedings, especially problematic where ESCR violations are ongoing. In this respect, the role of Ombudsmen was mentioned as a good practice.
48. The importance of the Optional Protocol to the ICESCR was again noted as an important development in the context of the justiciability of ESCR. In this context, reference was made to Former UN High Commissioner for Human Rights, Louise Arbour, who referred to the adoption of the Optional Protocol as 'human rights made whole'²⁸.
49. Impunity for violations of ESCR was by several participants described as an important failure. It was noted that when ESCR are violated in the context of countering terrorism, even if it results in a simple acknowledgement, the issues of compensation, reparation and restitution are often not examined and redress mechanisms do not exist²⁹. Regarding the existence of legal avenues, it was noted that in some regions, there is no actual legal gap for the protection of ESCR³⁰, but that what is lacking is the political and judicial will to apply the existing laws. Social stigmatization was nonetheless highlighted as an area where a gap in protection does often exist.

²⁸ Louise Arbour, *Human Rights Made Whole*, 8 July 2008. In the same article, she noted that "the new Protocol establishes for the Covenant on Economic, Social, and Cultural Rights a vehicle to expose abuse, known as a "complaint mechanism," similar to those created for other core human rights treaties. This procedure may seem opaque, but by lodging a complaint under the Protocol's provisions, victims will now be able to bring to the surface abuses that their governments inflict, fail to stop, ignore, or do not redress. In sum, the Protocol provides a way for individuals, who may otherwise be isolated and powerless, to make the international community aware of their plight".

²⁹ Examples of standards that may be used include those contained in the 'Basic principles and guidelines on development-based evictions and displacement', A/HRC/4/18 paras. 32 and 33.

³⁰ Examples of remedies include habeas corpus and amparo.

VI. Linkages between conditions conducive to terrorism and the inadequate fulfilment of ESCR

50. Finally, the fifth panel focused on the linkage between conditions conducive to terrorism and the inadequate fulfilment of ESCR.
51. The United Nations Global Counter-Terrorism Strategy itself provides a list of conditions conducive to terrorism. These include: prolonged unresolved conflicts, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance.
52. A number of ESCR violations and more specific conditions which may be conducive to terrorism were also mentioned at the seminar, including land and resource deprivation, poverty, lack of access to justice, impunity, criminalization of the democratic space for human rights defenders to express themselves, and the lack of recognition of cultural rights. Collective punishment was also highlighted as a possible condition conducive to terrorism. However, it was stressed that these conditions and failures to comply with ESCR can only be a contributing factor to terrorism, but that it is neither the full explanation nor an excuse or justification for terrorism.
53. It was mentioned that there has been additional research into the conditions conducive to terrorism, which draws a distinction between different types of conditions. These include: (1) structural causes, such as demographic imbalances, a subjective sense of deprivation, a sense of injustice, and more generally, consequences of globalization; (2) facilitating causes, such as the existence of failed states, access to weapons and explosives, the development of mass media and the internet; (3) motivational causes, including conflicts and deep-rooted injustices of a historical nature; and (4) so-called triggering causes, which are events that ultimately push an individual to carry out a terrorist act.
54. Participants stressed the importance of distinguishing between types of movements using terrorist methods, such as national, ethnic religious minorities and insurgency movements. The denial of basic ESCR, and the absence of democratic space and access to justice to claim these rights may lead these groups to act outside the framework of the rule of law, which, however, it was noted, does not in any way legitimize the use of terrorist methods. It was noted that further study could help identify appropriate ways to counter these movements, without taking measures that would lead to further alienation of and violence from the groups in question.
55. Participants discussed the issue of radicalization as well as States' focus on preventing and countering radicalization. . It was noted that the consequences of 'getting it wrong' on this issue could worsen the problem, but, at the same time, that

‘getting it right’ could have very positive consequences. After an examination of several definitions of radicalization, it was noted that many definitions focus excessively on ideology or sweep too widely, but leave little scope for taking ESCR into account as elements that have an impact on an increase or a decrease in radicalization and, potentially, violence. Participants stressed that there is a clear need to incorporate ESCR violations in discussions on radicalization and to address them in any deradicalization strategy. This, it was argued, pointed again to the need to reframe the notion of security to include ESCR.

VII. Conclusions and Recommendations

56. The following main conclusions were made by participants at the seminar:

- (a) Terrorism has a serious impact on all aspects of human rights, including on ESCR. As such, States have not only a right, but also a duty to take effective counter-terrorism measures. At the same time, States must ensure that all counter-terrorism measures respect international human rights law, including ESCR.
- (b) All counter-terrorism measures adopted by States must be placed within a rule of law framework, which includes ensuring respect for ESCR. The human rights framework is flexible enough to ensure that States are able to take effective counter-terrorism while at the same time respecting their international obligations, including in the field of ESCR.
- (c) All human rights – civil, political, economic, social and cultural – are interrelated and indivisible. This has direct implications on measures taken to counter terrorism.
- (d) The justiciability of ESCR would contribute to ensuring that counter-terrorism measures respect the principles of proportionality, effectiveness and legitimacy. Access to justice and the existence of remedies, including adequate reparation for the victims, are key to upholding the accountability of States and to reducing impunity for violations.
- (e) The human rights discourse in relation to counter-terrorism has in general focused mainly on civil and political rights and less on ESCR. In order to ensure that ESCR are adequately addressed, the discourse on terrorism and counter-terrorism measures should be reframed to also clearly include ESCR, together with civil and political rights. This would ensure a holistic approach. In addition, a positive approach to counter-terrorism, which focuses on examining what makes a society more resilient to terrorism, would be more amenable to an inclusion of ESCR.
- (f) Any sustainable counter-terrorism strategy must address ESCR, as highlighted by the Special Rapporteur on the promotion and protection of human rights while

countering terrorism. States must ensure that the whole spectrum of human rights is considered when devising counter-terrorism policies, strategies and legislation.

- (g) All counter-terrorism measures impacting on ESCR must be adopted within the proper framework - i.e. human rights law/humanitarian law. They must be adequate, proportionate, reasonable, non-discriminatory, non-arbitrary, effective and justified, and they must not overly affect the rights of the most vulnerable groups, including women and children.
- (h) When adopting exceptional counter-terrorism measures, including measures under the framework of states of emergency, States must pay particular attention to the impact of the measures on ESCR. These can have a particularly damaging effect on vulnerable communities and potentially increase the risk of radicalization.
- (i) The United Nations Global Counter-Terrorism Strategy is an important document that stresses the importance of respecting all human rights, including ESCR, as the fundamental basis of the fight against terrorism.

57. Below are some of the main concrete proposals and recommendations made by participants at the seminar:

- (a) Regarding the issue of targeted sanctions, participants made a number of recommendations on how to ensure that sanctions regimes, in particular the 1267 sanctions regime, respect ESCR. It was recommended that designating States and listing entities, including the 1267 Monitoring Team and the Sanctions Committee, are made aware of the impact of the consequences of the listing on the ESCR of the listed individuals and of third persons and take this into account in their assessment of whether the sanctions are necessary and proportionate.
- (b) It was proposed that new reporting guidelines to the Counter-Terrorism Committee (CTC) be drafted, which would include ESCR, as an integral part of the reporting exercise to the CTC.
- (c) The need to reemphasize the proper framework for any declaration of a state of emergency, including the proper notification to the Secretary-General, was underlined by participants. This notification should include the justification for the state of emergency, as well as an examination of the legitimacy and proportionality of the measures, including their impact on ESCR.
- (d) In line with the recommendation made by the Special Rapporteur on the promotion and protection of human rights while countering terrorism³¹, it was recommended that the CESC and other treaty bodies whose mandates include ESCR should develop a systematic practice of addressing counter-terrorism

³¹ Special Rapporteur on the promotion and protection of human rights while countering terrorism, A/HRC/6/17, para. 74(b).

measures by States while monitoring the implementation of respective treaties. More generally, human rights-based ESCR monitoring should be strengthened.

- (e) It was recommended that States should ratify the OP-ICESCR and should develop mechanisms at the national, regional and international level to address the issue of remedies and reparations for victims of ESCR violations.
- (f) In the drafting of counter-terrorism legislation, policies and measures, participants stressed that States must undertake an examination of the impact of all measures on human rights, including ESCR, with a view to ensuring that all the requirements relating to ESCR are respected. States must also focus on their impact on vulnerable groups, including women, children, minorities and migrants. In the adoption of budgets by parliamentary assemblies, it was argued that greater attention should be paid to the progressive realization of ESCR and to ensuring that measures do not have retrogressive effects in the field of ESCR.
- (g) Several issues were identified as needing additional research and/or study, as well as guidance from human rights mechanisms:
 - The links between ESCR and civil and political rights in the context of counter-terrorism. Recommendations included the possibility of a joint Human Rights Committee/CESCR General Comment.
 - A compilation of work on the impact of counter-terrorism measures on ESCR by independent experts and treaty bodies as well as existing jurisprudence and case law. Recommendations included that this be undertaken by the OHCHR or requested by the Human Rights Council to its Advisory Committee. Another recommendation was that CESCR considers having a General Comment on the issue of counter-terrorism and ESCR.
 - The establishment of a joint venture between the Human Rights Committee and the CESCR on the right to self-determination.
 - The legality of the 'intermediary' but in effect 'permanent' counter-terrorism legislation that has been enacted in a number of States. Suggestions included that this be undertaken by treaty bodies, such as the Human Rights Committee and the CESCR.
- (h) Finally, topics for additional practical tools to be developed were suggested, including: uprooting trees (addressing the issue of resources to food in the context of counter-terrorism measures), destruction of property/houses (an issue which is already addressed by the suggested current tools), access to justice, remedies/reparations for violations of ESCR in the context of countering terrorism, starvation and humanitarian assistance and the right to education. It was suggested that the CTITF Working Group 'Protecting Human Rights While Countering Terrorism' considers these topics in the future.

Annex I: Concept Note

CONCEPT NOTE

Expert Seminar on

“The impact of terrorism and counter-terrorism measures on the enjoyment of economic, social and cultural rights”

Geneva, 5-7 November 2008

I. Overview

The Working Group ‘Protecting Human Rights While Countering Terrorism’ of the United Nations Counter-Terrorism Implementation Task Force (CTITF) is organizing an expert seminar on Economic Social and Cultural Rights (ESCR), Terrorism and Counter-Terrorism.

The expert seminar aims at initiating a discussion on the impact of terrorism and counter-terrorism measures on key human rights obligations, particularly in the field of economic, social and cultural rights (ESCR). The expert seminar will explore the commitments of States in this area with a view of raising awareness, and the provision of assistance and advice.

II. Background

Through the United Nations Global Counter-Terrorism Strategy (A/RES/60/288) adopted by the General Assembly on 8 September 2006, all Member States agreed on a coordinated and comprehensive response to terrorism at the national, regional and global level and to situate respect for human rights and the rule of law as the fundamental basis of the fight against terrorism. In particular, Member States reaffirmed that the promotion and protection of human rights for all and respect for the rule of law are essential to all components of the Strategy. They recognized that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing.

Human rights are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements and human dignity. Human rights are universal—in other words, they belong inherently to all human beings—and are interdependent and indivisible. The full spectrum of human rights involves the respect for, and protection and fulfilment of, civil, cultural, economic, political and social rights, as well as the right to development.

The Working Group on ‘Protecting Human Rights While Countering Terrorism’ of the CTITF is led by the Office of the United Nations High Commissioner for Human Rights (OHCHR). Other members include the Special Rapporteur on the promotion and

protection of human rights while countering terrorism, the United Nations Office of Drugs and Crime (UNODC), the Counter-Terrorism Executive Directorate (CTED), the Office of Legal Affairs (OLA), the United Nations Interregional Crime and Justice Research Institute (UNICRI), the World Bank, the International Maritime Organization (IMO). The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) participates as an observer/additional partner.

The mandate of the Working Group stems from the fourth pillar of action of the Strategy. The Working Group supports efforts of Member States to ensure the promotion and protection of human rights in the context of counter-terrorism. This includes an assessment of support and assistance currently available to Member States, the identification of gaps and weaknesses, and 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.

The achievement of global security objectives will be impossible without concerted efforts towards the realization of all human rights. The full impact of terrorism and counter-terrorism measures on human rights has yet to be assessed. In this regard, the potential impact of these measures on ESCR needs to be examined in greater depth. As discussed by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, in his report (A/HRC/6/17) on 21 November 2007, it is clear that terrorism and measures adopted to combat terrorist acts, are both influenced by and have an impact upon ESCR.

The international community has recognized, through the adoption of the United Nations Global Counter-Terrorism Strategy, that effective counter-terrorism measures and the protection of human rights are complementary and mutually reinforcing. Efforts to address the human rights implications of terrorism and counter-terrorism measures have to take into account economic, social and cultural rights as well as civil and political rights. In the UN Global Counter-Terrorism Strategy, Member States resolve to “support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights (...). The office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on the human rights obligations of States and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law enforcement agencies, at the request of States”.

The General Assembly in its resolution A/RES/62/159 also requested the Office of the High Commissioner and the Special Rapporteur to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness about the need to respect human rights while countering terrorism.

Through the United Nations Global Counter-Terrorism Strategy Plan of Action, member States recognize the need to tackle the conditions conducive to the spread of terrorism,

which requires addressing issues such as socio-economic marginalisation and lack of good governance. In addition, development assistance can play a role in reducing support for terrorism by preventing the conditions that may give rise to violence in general, and terrorism in particular.

III. Goals and Objectives:

The primary goal of the seminar is to assess the impact of terrorism and counter-terrorism measures on the enjoyment of ESCR. It will discuss strengthening the implementation of international human rights standards in the context of countering terrorism. It will also analyze how the inadequate protection of and denial of ESCR, including through marginalization and exclusion, may contribute towards creating an “enabling environment” for terrorism.

In particular, the seminar will:

- Analyze the links between terrorism, counter-terrorism and ESCR. It will examine how international treaty obligations to promote and protect ESCR should form part of a State’s counter-terrorism Strategy.
- Assess the linkage between civil and political rights with economic and social rights by examining thematic issues such as torture.
- Assess the impact of counter-terrorism measures on the enjoyment of ESCR such as work, health, family life, education; social and economic programmes and development assistance.
- Examine how the problem of inadequate protection of ESCR may be a contributing factor to terrorism through addressing the conditions conducive to the spread of terrorism, including socio-economic marginalisation; ethnic, national and religious discrimination; political exclusion; and lack of good governance.
- Examine the impact of counter terrorism measures on certain groups or individuals who are targeted directly or indirectly as suspects for the mere fact that they belong to suspected groups (ethnic, religious, minority, indigenous peoples, etc.) and its impact on other groups such as women; human rights defenders; people living in situations of armed conflict.
- Examine the impact of terrorist acts on economic development and the enjoyment of ESCR.

IV. Possible issues on the Agenda

The seminar will evolve around five main themes:

1. Review of the legal obligations of States when it comes to ESCR in relation to counter-terrorism: clarification of those rights in the context of countering terrorism.
2. The impact of counter-terrorism measures and policies, including the individual sanctions, on the enjoyment of ESCR.

3. The linkage between ESCR with civil and political Rights as indivisible rights.
4. Means of monitoring the effect of CT measures on ESCR and ways to prevent violations of rights.
5. The linkage between conditions conducive to terrorism and the inadequate fulfilment of the ESCR.

V. Outcomes

1. The meeting will provide input for the development of policy guidance and recommendations for the promotion and enhancement of the protection of economic, social and cultural rights in the context of countering-terrorism, which will serve as a tool when providing technical advice to Member States.
2. A report will be produced, summarizing discussions and identifying areas for further research and analysis.

VI. Organization, Panelists and Participants:

The meeting will take place in Geneva in 5-7 November 2008. It will be organized at the Office of the United Nations High Commissioner for Human Rights as the lead organization of the Working Group 'Protecting Human Rights While Countering Terrorism' of the Counter-Terrorism Implementation Task Force.

The meeting will bring together key experts in the field of counter-terrorism and human rights. These include practitioners, academics, United Nations agencies, members of the CTITF Working Group on 'Protecting Human Rights While Countering Terrorism', NGOs and OHCHR field staff.

Annex 2: Agenda

**Expert Seminar on
“The Impact of Terrorism and Counter-Terrorism Measures on the Enjoyment of
Economic, Social and Cultural Rights”
5 to 7 November 2008
Geneva
Room XXVII at the Palais des Nations**

AGENDA

Session I	
09:00 – 10:00	<i>Registration of Participants</i>
10:00 – 10:30	<p style="text-align: center;"><i>Opening Remarks</i></p> <ul style="list-style-type: none"> ▪ Welcoming remarks by Mr. Ngonlardje K. Mbaidjol, Director, New York Office of the High Commissioner for Human Rights, Chair of the CTITF Working Group ‘Protecting human rights while countering terrorism’
10:30 – 11:45	<p style="text-align: center;"><i>Panel I: Review of States’ legal obligations of ESCR in relation to terrorism and counter-terrorism, clarification of those rights in the context of countering terrorism</i></p> <ul style="list-style-type: none"> ▪ Lilian Chinwei, Coordinator and Senior Researcher, Socio-Economic Rights Project, University of the Western Cape, South Africa ▪ Andrew Clapham, Director, Geneva Academy of International Humanitarian Law and Human Rights ▪ Larissa van den Herik, Associate Professor, Grotius Centre for International Legal Studies, Leiden University <p>Chair: Maarit Kohonen, Coordinator, Human Rights and Economic and Social Issues Unit, Research and Right to Development Division, OHCHR</p>
11:45 – 12:15	<i>Coffee Break</i>
12:15 – 13:00	<i>Panel I (continued): Discussion</i>
13:00 – 14:30	<i>Lunch</i>
14:30 – 16:45	<p style="text-align: center;"><i>Panel II: The impact of terrorism and counter- terrorism measures and policies on the enjoyment of ESCR, Case studies.</i></p> <ul style="list-style-type: none"> ▪ Claude Cahn, Head of Advocacy Unit, Centre on Housing Rights and Evictions ▪ Federico Guzman, International Commission of Jurists

	<ul style="list-style-type: none"> ▪ Leilani Farha, Executive Director, CERA - Centre for Equality Rights in Accommodation <p>Chair: Mona Rishmawi, Coordinator, Rule of Law Unit, OHCHR</p>
16:45 – 17:15	<i>Coffee Break</i>
17:15 – 18:00	<i>Panel II (continued): Discussion</i>
18:00	End Session I
Session II	
09:30 – 11:45	<p><i>Panel III: Linkages between ESCR and civil and political rights as indivisible rights in the context of countering terrorism: some practical examples</i></p> <ul style="list-style-type: none"> ▪ Fionnuala Ni Aolaín, Chair in Law, University of Minnesota ▪ Tom McCarthy, World Organisation Against Torture (OMCT) ▪ Lilian Chinwei, Coordinator and Senior Researcher, Socio-Economic Rights Project, University of the Western Cape, South Africa ▪ Sandra Ratjen, Food First Information and Action Network <p>Chair: Mara Bustelo, Coordinator, ESCR Team, Special Procedures Division, OHCHR.</p>
11:45 – 12:15	<i>Coffee Break</i>
12:15 – 13:00	<i>Panel III (continued): Discussion</i>
13:00 – 14:30	<i>Lunch</i>
14:30 – 16:45	<p><i>Panel IV: Means of monitoring the effect of counter-terrorism measures on ESCR and ways to prevent violations</i></p> <ul style="list-style-type: none"> ▪ Miloon Kothari, Former United Nations Special Rapporteur on the Right to Adequate Housing ▪ Frej Fenniche, Head of the OHCHR Eastern Africa Office ▪ Bruce Porter, Director, Social Rights Advocacy Centre, Canada ▪ Flavia Piovesan, Professor of Constitutional Law and Human Rights, Faculty of law, Catholic University, Sao Paulo <p>Chair: Ibrahim Salama, Chief, Human Rights Treaties Branch OHCHR</p>
16:45 – 17:15	<i>Coffee Break</i>
17:15 – 18:00	<i>Panel IV (continued): Discussion</i>
18:00	End Session II
Session III	
09:30 – 11:30	<p><i>Panel V: The linkage between the conditions conducive to terrorism and the inadequate fulfilment of ESCR.</i></p>

	<ul style="list-style-type: none"> ▪ Vrina Grover, Human Rights Lawyer, India ▪ Scott Vessel, Office of Democratic Institutions and Human Rights, Organisation for Security and Cooperation in Europe ▪ Waleed Saadi, Member of the Committee on ESCR ▪ Martin Schenin, Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism <p>Chair: Martin Schenin, Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism</p>
11:30 – 12:00	<i>Coffee Break</i>
12:00 – 12:45	<i>Panel V (continued): Discussion</i>
12:45 – 13:00	<p style="text-align: center;"><i>Closing Remarks</i></p> <ul style="list-style-type: none"> ▪ Closing remarks by Mr. Ngonlardje K. Mbaidjol, Director, New York Office of the High Commissioner for Human Rights Chair of the CTITF Working Group ‘Protecting human rights while countering terrorism’

Annex 3: List of Participants

1. **Federico Andreu Guzman.** General Counsel, International Commission of Jurists, Geneva, Switzerland.
2. **Claude Cahn.** Head of Advocacy Unit for the Centre on Housing rights and Evictions (COHRE), Geneva, Switzerland.
3. **Lilian Chenwi.** Coordinator of and Senior Researcher in the Socio-Economic Rights Project of the Community Law Center at the University of Western Cape, South Africa.
4. **Andrew Clapham.** Professor of Public International Law at the Graduate Institute of International Studies, Geneva, Switzerland.
5. **Leilani Farha.** Acting Executive Director of the Centre for Equality rights in Accommodation, Toronto, Canada.
6. **Frej Fenniche,** Head, OHCHR Eastern Africa Office.
7. **Vrinda Grover.** Director, Multiple Action Research Group, New Delhi, India.
8. **Miloon Kothari,** Former Special Rapporteur on Adequate Housing, UN Human Rights Council, Coordinator, South Asia Regional Programme, Housing and Land Rights Network.
9. **Tom McCarthy,** Head of the Economic, Social and Cultural Rights Programme, Organisation Mondiale Contre la Torture.
10. **Fionnuala Ni Aoláin,** Dorsey & Whitney Chair in Law at the University of Minnesota Law School and a Professor of Law at the University of Ulster's Transitional Justice Institute in Belfast, Northern Ireland.
11. **Flávia Piovesan.** Professor of Constitutional Law and Human Rights, Catholic University Sao Paulo and the Catholic University of Parana, Brazil.
12. **Bruce Porter,** Executive Director, Social Rights Advocacy Centre, Canada.
13. **Sandra Ratjen.** Advocacy Director, Foodfirst Information and Action Network.
14. **Waleed Sadi.** Member of the UN Committee on Economic, Social and Cultural Rights, Geneva, Switzerland.
15. **Ian Seiderman.** Senior Legal and Policy Director, International Commission of Jurists, Geneva, Switzerland.
16. **Larissa van den Herik.** Associate professor of public international law at the Grotius centre for International Legal studies, Leiden University, The Netherlands;
17. **Scott Vesel.** Human Rights and Anti-Terrorism Project Officer, Office for Democratic Institutions and Human Rights, Warsaw, Poland.
18. **Ngonlardje K. Mbaidjol.** Director NYO, Chair of the CTITF Working Group 'Protecting human rights while countering terrorism', OHCHR.
19. **Martin Scheinin.** Special Rapporteur on the promotion and protection of human rights while countering terrorism.
20. **Ulrik Ahnfeldt-Mollerup,** Terrorism Prevention Expert, UNODC.
21. **Ibrahim Salama,** Chief, Human Rights Treaties Branch, OHCHR.
22. **Mara Bustelo,** Coordinator, Economic Social and Cultural Rights Team, Special Procedures Division, OHCHR.

23. **Maarit Kohonen**, Coordinator, Human Rights and Economic and Social Issues Unit, OHCHR.
24. **Mona Rishmawi**, OHCHR Legal Advisor and Head of the Rule of Law and Democracy Unit, OHCHR.
25. **Mohammad Abu-Harthieh**, Security Policies, Human Rights and Counter-Terrorism, Rule of Law and Democracy Unit, OHCHR.
26. **Sonia Cronin**, Human Rights Officer, Assistant to the Special Rapporteur on human rights while countering terrorism, OHCHR.
27. **Anne Charbord**, Human Rights and Counter-Terrorism, OHCHR NYO.