

[Counter-terror laws and measures must not criminalise human rights defenders](#)

06.03.2015



(Geneva) - The imperative to counter-terrorism and combat extremism must not be used or allowed to justify the repression of civil society or curtailment of the rights to freedom of expression, assembly or association, the International Service for Human Rights said in a [statement to the UN Human Rights Council](#) today.

In its statement in response to the [annual report of the UN High Commissioner for Human Rights](#), ISHR shared the High Commissioner's deep concern at the worsening use of counter-terrorism laws and measures to criminalise human rights defenders in all regions.

According to the ISHR statement, this trend is evident in all regions.

- In [Australia](#), recent amendments to the Australian Security Intelligence Organisation Act criminalise the disclosure of information about 'special intelligence operations', even where such disclosures expose or relate to serious human rights abuses, with imprisonment of up to ten years.
- In Chile, the Anti-Terrorist Act has been used to prosecute indigenous activists campaigning against major development projects.
- In [China](#), a draft law defines 'terrorism' in such broad terms as to include 'thought, speech or behavior' that is 'subversive' or seeks to 'influence national policy making'.
- In Egypt, [Law 8/2015](#), passed last week, allows the terrorist designation of individuals and associations which 'infringe public order' or 'harm national unity or national security'.

The statement also shared concerns of [human rights groups in the United States](#) who have warned that the imperative to counter-terrorism is being used by allied States, such as Bahrain and Saudi Arabia, to justify civil society repression.

'It is imperative that democratic States speak out to condemn attacks and restrictions on human rights defenders in places like Bahrain, Egypt and Saudi Arabia and not self-censor or become mute because of the important strategic positions those States are perceived to occupy in the so-called "War on Terror",' said ISHR Director Phil Lynch in delivering the statement to the 28th session of the Council.

According to the ISHR statement, such laws, measures and approaches are not only incompatible with human rights standards, but are also counterproductive, echoing the High Commissioner's view that 'it is essential that all counter-insurgency forces across the world uphold the rule of law, in accordance with international human rights obligations, not only as an absolutely vital principle, but as an effective strategy'.

According to the High Commissioner, 'terrorist attacks cannot destroy the values on which our societies are grounded - but laws and policies can. Measures that build what has been termed the "national security state" - such as arbitrary or prolonged detention; torture and ill-treatment; massive surveillance that undermines the right to privacy; unfair trials; discriminatory policing; and the abusive use of legislation to curb legitimate rights to peaceful protest and to freedom of expression - are human rights violations. They generate legitimate resentment, harm social cohesion, and undermine the essential values of the international community.'

Building on this theme, ISHR's Phil Lynch said, 'Respect for the rights to freedom of expression, association, assembly, and public participation is axiomatic to the realisation of our shared goals of good governance and national security. As over 30 major corporations wrote in a [letter to the Cambodian Prime Minister](#) following deadly attacks against protesting workers in 2014, respect for such rights is also a crucial factor contributing to investment and economic development. States from Bangladesh to Burma and from the United States to the United Arab Emirates should heed this message'.

UN Special Rapporteur on Freedom of Association and Assembly, [Maina Kiai](#), expressed similar views recently when he said, 'the rights to peaceful assembly and of association do not encourage extremism, chaos, or violence but are, in fact, the best antidotes we have against all of these ills'.

According to the ISHR statement, a number of recent initiatives 'show there is another way' and respond to the High Commissioner's call for 'national legislation to give sufficient space, encouragement and protection to human rights defenders, the media, alternative political ideas, and civil society groups'.

'In [Côte d'Ivoire](#), we welcome a national law on the protection of human rights defenders and urge its effective implementation. In [Finland](#), we welcome new guidelines on protecting human rights defenders through diplomatic missions and urge their principled and consistent application. In [Ireland](#), we welcome the development of a National Action Plan on Business and Human Rights and urge the inclusion of concrete commitments to support corporate accountability activists. And in the US, we welcome the appointment of a [Special Envoy on LGBT Rights](#) and urge him to work in close partnership with local civil society to ensure positive local impact,' the ISHR statement said.

Together with Article 19, FIDH, the International Commission of Jurists and the World Organisation against Torture, ISHR will host a major high-level event on the [relationship between human rights defenders and national security](#) in Room XI at the Palais des Nations in Geneva from 15h00 on 10 March 2015.

Photo: Zeid Ra'ad Al-Hussein, UN High Commissioner for Human Rights (UN Photo / Jean-Marc Ferré)