



2016 U.N. Special Rapporteur Report on Human Rights and Fundamental Freedoms while Countering Terrorism

On February 22, 2016, Special Rapporteur Ben Emmerson issued a report on the Promotion & Protection of Human Rights & Fundamental Freedoms in relation to nation's efforts to counter terrorism & violent extremism. The Report found that it is essential to address human rights in the context of preventing & countering violent extremism. On September 24, 2014, the Security Council unanimously adopted resolution 2178. Resolution 2178 cites the link between the lack of respect for human rights & acts of violent extremism. The vagueness of the concept "extremism" could lead to disproportionate interference with freedom of expression & improper use against civil society, minority communities, human rights defenders, political opposition & dissent. [See UN Report](#) for more details on how the incitement to terrorism offense must comply with international human rights.

Key points from the 2016 Special Rapporteur Report:

- Attempts to address violent extremism through security-based counter-terrorism measures have been insufficient to prevent the emergence of violent extremist groups;
- There is no accepted definition of violent extremism;
- Serious concerns arise with use of violent extremism & terrorism interchangeably, & without a clear definition of each & the difference between the terms;
- Too much focus on religious ideology as the driver of terrorism & violent extremism rather than conduct;
- No authoritative statistical data on the pathways towards individual radicalization exist.

Impact on Human Rights of Measures to Counter/Prevent Violent Extremism (CVE/PVE):

- Limitations on Freedom of Expression & Censorship Online
 - Measures taken to prevent or remove messages communicated through the Internet or other forms of technology constitute an interference with the right to freedom of expression;
 - Bans on the operation of certain sites should not be generic but content-specific. No site or information dissemination system should be prohibited from publishing material solely on the basis that it may be critical of the government or the social system espoused by the government.
- Limitations on the Freedom of Movement:
 - Countries must ensure that all persons enjoy the substantive right to nationality without discrimination & violation must have effective remedy & due process protections.
- Targets Persons or Groups Based on Identity or Beliefs
 - Countries counter violent extremism strategies are broad to encompass anyone but in practice are disproportionately applied to target specific groups classified as 'at risk' to violent extremism;
 - Countries strategies to identify individuals, indicators, and who is qualified to refer raise concerns.

Special Rapporteur Report Conclusions & Recommendations:

- (1) The lack of semantic & conceptual clarity that surrounds violent extremism remains an obstacle to any in-depth examination of the impact of strategies & policies to counter violent extremism on human rights, as well as on their effectiveness in reducing the threat of terrorism;
- (2) Increased research should be undertaken to gain a better understanding of violent extremism;
- (3) Countries should focus on implementation of the Global Counter Terrorism Strategy First & Fourth pillars;
- (4) All strategies & policies adopted by Countries to counter violent extremism must be firmly grounded in & comply with international human rights law; and
- (5) The broad-brush 'securitization' of human rights, international development, humanitarian assistance, education, community integration, gender or any other agenda by the State or the international community must be avoided.