

## **Human Rights and Counter-Terrorism**

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## **Human Rights and Counter-Terrorism**

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*The aim of this paper is to provide an overview of the relationship between counter-terrorism and protecting human rights. These observations are based on the lead author's experiences of working in numerous countries as a human rights specialist and former British Diplomat. These countries included Brazil, India, Sri Lanka, Bangladesh, Pakistan, Sri Lanka, Nepal, various parts of Africa and the Far East. The paper includes a discussion around defining human rights and terrorism, the challenges and implications that terrorism poses to the state as well as highlighting key legislation to outline the crucial balance between rights and counter-terrorism powers.*

**[Key Words:** Human rights, Terrorism, United States, United Nations, Victims of Terrorism]

Human rights and war rarely mix well. The events of 9/11 heralded the George Bush inspired 'War on Terror' which for all intendant purposes was a war on Al Qaida and consequently fundamentalist Islam (Holloway 2008). Consequently, the United States and its allies across the globe enacted directly, or covertly, a tranche of measures designed to counter both actual and perceived terrorist threats at home and abroad. This has meant that legislation was preventative in nature, presenting major challenges to the fundamental principles of human rights enshrined in national, regional and international law.

As a result of such legislation, civil liberties have been restricted in numerous countries. It was a 'knee-jerk' reaction for many countries that quickly passed Prevention of Terrorism Acts (POTA) after 9/11; with the language of terror often used to justify violating the rights of political opponents and marginalised groups. The problems have been exacerbated by Western states, particularly the United States, for repression by regimes that were designated as

'partners' in the war on terrorism. These included Pakistan, Syria, Libya, Iraq and Sri Lanka, many of which are now provide striking examples of the collapse of the Rule of Law and wholesale abuses of fundamental human rights.

Yet, all of this followed an era of optimism which was full of promise towards the end of the 1990s. The Cold War ended; there were various enactments of protective human rights legislation at national and international levels in many countries, exemplified by the judicial activism in India, resulting in a series of landmark judgements. The international community also displayed significant outrage towards the atrocities that took place in Rwanda, the former Yugoslavia and East Timor. All of these events led some commentators to wonder whether the beginning of the new Millennium heralded a new age of enlightenment in the field of human rights.

However, 9/11 and what followed, changed everything for the worse. The thaw in East-West relations was not yet complete when a new threat of isolationism and bipolarisation emerged from the shadows of the disintegrating twin towers of the World Trade Centre in New York City. Whether it be in the offices of *Charlie Hebdo* in France, a five star hotel in Mumbai; on the streets of London, Baghdad or Boston; the massacre of innocent school children in Pakistan, or through the horrors that are unfolding in front of our eyes in the middle east- terrorist activity around the world continues to violate a range of human rights.

### **Defining Human Rights**

Such terrorist atrocities have provided serious challenges to the fundamental principles set out under the provisions of the Universal Declaration of Human Rights (UDHR) and its associated covenants. As stated in Article 55 of the United Nations Charter (1945), 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. The full spectrum of human rights involves respect for and protection and fulfilment of civil, cultural, economic, political and social rights. Human rights are universal - in other words, they belong inherently to all human beings and are interdependent and indivisible.

Hence, the multiple violations referred to earlier have presented major challenges to those seeking to uphold the core principles set out in the UDHR and its associated covenants, including those seeking to protect:

- a) The right to life. b) Challenges to the absolute prohibition against torture.
- c) Transfer of individuals suspected of terrorist activity. d) Liberty and security of the person. e) Profiling and the principle of non-discrimination. f) Due process and the right to a fair trial. g) The principle of legality and the definition of terrorism. h) Freedom of expression and the prohibition of incitement to terrorism. i) Freedom of association. j) Surveillance, data protection and privacy. k) Economic, social and cultural rights.

**Defining Terrorism**

Despite the United Nations (UN) and other national and international legal instruments being created prior to and after the events of 9/11, there is still no universally accepted definition of terrorism under international law. There is a loose agreement that terrorism consists of the threat or use of violence against innocent people for the advancement of political agendas, but this is very vague. The absence of a clear definition of terrorism therefore leaves it open to the interpretation of those who would seek to broaden the definition so as to perpetrate its misuse and unduly wide application. This is commonly used to oppress those who merely dissent from the social and political norms of society rather than protect the vulnerable from legitimate threats. Hence, the practice of limiting human rights in times when it is most imperative to preserve them, must urgently be re-examined.

It is ironic that many of the acts committed by terrorists; and also by States in countering real or manufactured terrorist threats would be considered terrorist acts if they were committed in times of war or international conflict. In such circumstances the provisions of International humanitarian law encompassed within the four Geneva Conventions and their additional Protocols are specifically aimed at reducing human suffering in times of armed conflict.

There is well-documented recourse under international law available to those seeking to prosecute those culpable for violence against civilians, but again these principles are inextricably linked to abuses committed in conditions of war and armed conflict often between states rather than for the individual. International humanitarian law does provide specific protections in prohibiting 'measures of terrorism' and 'acts of terrorism', but without an agreed definition of what constitutes as terrorism, individuals and groups are often left to seek redress within the domestic systems of the very state or non-state actors that may be perpetrating the human rights abuses in the first place.

Without a universal definition of terrorism in times of peace and outside of conditions of war or armed conflict, states are free to create broad, overreaching definitions and unintentionally criminalise activity that, pragmatically, does not warrant being labelled as 'terrorism'. In contrast, states may also intentionally create a broad definition and use this power to suppress the political opposition or unpopular groups under the guise of combating their self-branded terrorism. For example, in Uganda elected politicians have equated 'terrorism' with homosexuality, a protected characteristic under the UDHR.

It is sometimes argued that those that seek to protect and promote human rights are 'soft' on terrorism, in the same breath it is claimed that the suppression of human rights is a necessary step in protecting fundamental freedoms and national security. The irony in this position is not always immediately apparent to those that argue this position. To be clear, an act of terror is an act on fundamental human rights.

### **The Impact of Terrorism on Human Rights**

Let's be clear: terrorism aims to destroy human rights through violence and spreading fear in civilian populations. This is often committed by non-state actors, attacking democracy, the rule of law, and respect for humanity. Hence, counter-terrorism measures are crucial but may also threaten human rights. State counter-terrorist measures implicate numerous fundamental human rights, including the right to life through targeted killings, the prohibition against torture, liberty interests through arbitrary detention, racial and ethnic profiling and the right to due process. Other rights that may be comprised in the pursuit of counter-terrorism include freedom of speech and association, the right to privacy, and many other social, economic, and cultural rights.

Looking to the past, one can cite that the evil that engulfed Nazi Germany in the 1930s and 40s led to the outbreak of the Second World War; and in turn also led to the creation of a universal set of standards seeking to protect fundamental human rights enshrined in the UDHR. Similarly, another event, some 64 years later, the terror of the 9/11 attack where 3,000 people lost their lives, another war has emerged - the 'war on terror'. As George W. Bush announced, 'you are either with us or against us' and the world entered a dark era beginning with the invasions of Iraq & Afghanistan (BBC News 2001). It can be argued that this has resulted in the on-going killing and maiming of innocent civilians by terrorist cells, the torture of Iraqis in Abu Ghraib and widespread international unrest between the East and the West, all metaphors for the systematic invasion of and erosion of fundamental human rights and civil liberties across the globe. Hence, the unimaginable became reality in which the very measures designed to protect human rights from terrorism, fell by the wayside as the 'war on terror' begun. The mechanics of counter-terrorism have instead had a profound impact in limiting fundamental human rights and freedoms and has indiscriminately targeted the innocent.

### **Balancing Human Rights and Counter-Terrorism**

If terrorism constitutes a fundamental threat to the enjoyment of human rights, states are bound by a duty to protect their citizens and to introduce effective counter-terrorism measures. In doing so, there is an international need to ensure that such measures comply with international human rights standards. This also requires a degree of flexibility which is provided for within the provisions of international human rights law.

States therefore must ensure that measures taken to counter terrorist activity must in themselves be compliant with international human rights standards. Indeed, the protection of fundamental human rights and the promotion of democratic thought and practice are inextricably linked. If in seeking to protect the former we erode the latter, we blur that essential division between the legitimate and the illegitimate. So here we have a paradox: states, which fail to comply with international law and human rights norms in dealing with terrorist subjects may, by their own actions, result in an increase in terrorism within their jurisdiction.

Hence, states are faced with an unenviable challenge in their efforts to prevent terrorist acts often committed by non-state actors operating in small groups amongst detached networks with the capacity to commit massive atrocities with minimal resources. These elusive factors amplify the risk posed to the state and members of the public by masking efforts to identify individuals that are associated with terrorism. The implications to detect potential terrorist threats, and prevent terrorism from occurring are in turn, intensified for the state. The atrocities committed are further amplified through the power of the internet and social media, bringing events immediately into the living rooms of the general public and fuelled by a new culture of 24/7 media reporting. All of this results in enormous pressure being placed on states to not only act, but to show that they have the capacity to act swiftly and with deadly force.

In such times, cool heads and detached reason unfortunately rarely triumph. States often fail to strike the balance between human rights and security in the context of countering terrorism, which then risks impeding the very rights they purport to protect. In the words of Thomas Paine 'he that would make his liberty secure must guard his enemy from oppression for if he violates this duty, he establishes a precedent that will reach to himself' (Paine and Conway 2010).

Terrorism is a very real and present threat, but it does not negate the state's domestic, regional and international obligations to respect, protect and preserve fundamental rights and freedoms. Counter-terrorism efforts must apply the narrowest margin of appreciation possible without compromising efficacy and respecting limitations regarding the scope of the exceptions to such protection.

Just as terrorism impacts on human rights and the functioning of society, so too can measures taken by states to counter terrorism. States have not only a right, but a duty to take effective counter-terrorism measures. Such measures and the protection of human rights are complementary and mutually reinforcing objectives which must be pursued together as part of a state's duty to protect individuals within their jurisdiction.

Nevertheless, since 9/11, the atrocities in Mumbai 2011; Madrid 2004; London 7/7; Bali 2005; Boston 2013 and most recently Peshawar, Paris, Brussels and Copenhagen, acts of terrorism have succeeded in metamorphosing the global security environment. States have been forced to redefine the nature of terrorism and to reassess the political, military and legal means necessary to protect the state, its institutions and its citizens.

Country after country has reacted to these appalling events by enacting legislation typically encased within Prevention of Terrorism Acts and special measures, which includes arbitrary detention and extra judicial killing. This pattern is repeated across the globe with the result that fundamental human rights have been infringed upon in the desire to counter terrorism. These laws have created new criminal offences of detention and questioning powers for the police and security agencies; as well as new powers to ban 'terrorist

organizations' and new ways to control both people's movement and activities without criminal convictions.

### **The Mechanics of Counter-Terrorism**

So what can states do and what can they avoid doing in addressing the most serious threat to stability in the international arena since the Second World War? The answer is quite a lot!

In fact, international human rights law allows for significant provisions to counter the terrorist threat. Each action also comes with appropriate checks and balances provided for within national and international human rights provisions.

- The restriction of key human rights proscribed in law in the pursuit of a legitimate purpose
- States can take 'necessary and proportionate action' in a democratic society
- Impose permissible limitations on citizens human rights

### **Derogable and Non-Derogable Rights**

Indeed, there are circumstances where some human rights can be legitimately restricted. International human rights law recognizes that other 'derogable' rights can be limited in two circumstances:

1. Derogable human rights can be limited in a state of 'public emergency'. The threat of terrorism may constitute a public emergency in some circumstances. For example, in 2004, the House of Lords accepted that the threat of terrorism may constitute a 'public emergency' (House of Lords 2004a). However, the Court also held that 'measures taken by a member state in derogation of its obligations under the Convention (European Convention on Human Rights) should not go beyond what is strictly required by the exigencies of the situation' (HOL 2004b). Therefore, although the House of Lords agreed that there was a 'public emergency', they found this state of emergency did not justify discriminatory counter-terrorism measures under which foreign nationals, but not British nationals, could be detained without trial.

2. Derogable human rights can be limited if the limitation is a proportionate and necessary response to a threat to national security. For example, article 19 of the International Covenant on Civil and Political Rights (ICCPR) protects the right to freedom of expression (United Nations General Assembly 1996). International human rights law says that any law that limits a derogable human right must be proportionate and necessary to achieve its purpose (e.g. preventing a terrorist act). The UN Human Rights Committee has directly stated that proportionality is a fundamental test that must be met for any form of restriction on human rights under the ICCPR UN Human Rights Committee, General Comment number 29, States of Emergency (Article 4).

In other words, counter-terrorism laws need to have 'sufficient safeguards to stand the test of proportionality and fairness' (Security Legislation Review Committee 2006). Article 19(3) of the ICCPR (UNGA 1996) enables this right to be restricted if the restrictions are necessary and proportionate to

protect national security in a democratic society. If laws which limit freedom of expression are too broad or too vague, it will be difficult to characterize the laws as necessary and proportionate to the purpose of protecting national security. But if laws are carefully targeted at expression which is 'directly causally responsible for increasing the actual likelihood of a terrorist act occurring' (UN Special Rapporteur 2005), then they are more likely to pass the proportionality test.

Factors to consider when assessing whether an action is proportionate are:

- Why is the action necessary?
- To what extent does the action impair the right?
- Could the purpose of the action be achieved through less restrictive measures?
- Do legal safeguards against abuse exist?

The proportionality test does not apply to non-derogable rights which cannot be limited in any circumstances. For example, the right to be free from torture cannot be breached in any circumstances. Non-derogable human rights must always be protected and counter-terrorism laws must comply with our international human rights obligations. It is vital that we resist the enactment of counter-terrorism laws without adequate scrutiny of their human rights implications. Therefore, making sure counter-terrorism measures comply with a country's human rights obligations involves correctly identifying which human rights are non-negotiable and which human rights can legitimately be restricted in certain circumstances. International law allows for certain derogable rights to be restricted, but only if the restrictive measure is a necessary and proportionate way of achieving a legitimate purpose. Equally, Article 4(2) of the ICCPR (UNGA 1996) provides that the following non-derogable rights cannot be breached in any circumstances:

- The right to life (Article 6)
- Freedom of thought, conscience and religion (Article 18)
- Freedom from torture or cruel, inhuman or degrading punishment or treatment (Article 7)
- The right to recognition everywhere as a person before the law (Article 16)
- The principles of precision and non-retroactivity of criminal law (Article 15)

Elements of the right to a fair trial (Article 14), as explained, can derogate from human rights provisions in a state of emergency. However, there have to be truly exceptional circumstances at play with a genuine and present threat to the life of the nation; otherwise states must apply effective delegated legislation in the normal manner. If a state decides to derogate, they are obliged to inform other states through the UN and must demonstrate that there have been the appropriate provisions included for the regular review of such derogations by independent organs. This ensures compliance with international human rights standard as proscribed by international law. States must also present accused persons before a court of law at the earliest possible opportunity. Judicial remedies include writs of Habeas Corpus and Amparo



with only a court of law allowed trying and convicting a person of a criminal offence. Finally Art 4(1) of the ICCPR prohibits any derogation solely on grounds of race, colour, sex, language, religion or social origin.

### **Specific Challenges in the Context of Terrorism and Counter-Terrorism**

The actions of states in seeking to combat both actual and perceived terrorist threats since 9/11 have presented the international human rights system with its strongest challenge since the 1930s. These include challenges to:

- The right to life. Through the practice of 'shoot to kill' legislation, extra judicial killings and arbitrary executions have multiplied. This is especially pertinent when considering that human rights legislation already permits states to use deadly force when applying it strictly to protect human life.
- The absolute prohibition against torture, cruel and inhuman treatment. The use of discriminatory and stigmatizing measures affects the rights of entire communities, and may lead to further marginalisation and possibly radicalisation within those communities. Many of the conditions conducive to the spread of terrorism result from discrimination and disenfranchisement and the appropriate use of counter-terrorist measures should never result in such conditions. Transparency and judicial oversight of state counter-terrorist measures must be promoted to ensure state compliance with international human rights.
- The transfer of persons suspected of terrorist activity between or within states, also infamously known as extraordinary rendition, or irregular rendition.
- The liberty and security of the person. Any deprivation of liberty should be based on the grounds and procedures established by law, with detainees being promptly informed of the reasons for their detention and notified of the charges against them. Since 9/11 several states have extradited, expelled, deported or otherwise transferred foreign nationals, some of them refugees and asylum seekers, suspected of terrorism to their country of origin or to other countries, where they allegedly face torture or ill treatment in violation of the core principals of the ICCPR. This is despite it being well-established in international law that such practices are prohibited to protect the victim specifically from being subject to torture, arbitrary treatment and cases of deprivation of life. Some states, including the UK, have made use of diplomatic assurances and other forms of agreements to justify such rendition to countries where the accused faces the real threat of torture or some other serious human rights abuse. However, the UN High Commissioner for Human Rights has emphasised that such measures do not work and do not provide adequate protection. In any case, states are already bound by the provisions in international and regional treaties so these additional bilateral steps should not be necessary.
- Ratification and implementation of existing agreements. Despite the absence of a universally accepted definition of terrorism, domestic and international law provisions provide an extensive legal basis for the

prosecution of crimes of a terrorist nature. The UN framework for protecting human rights and the direct application of regional mechanisms supported by enhanced international cooperation between states in criminal matters can be extremely effective in countering terrorist threats. Indeed regional cooperation can play an essential role in punishing and/or preventing terrorist acts.

- Profiling and the principle of non-discrimination.
- Due process and the right to a fair trial.
- The principle of legality and the definition of 'terrorism'. The process of defining a terrorist act is in of itself a challenge. For example, the Australian Government definition refers to 'an organization that is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act occurs)' (McCormack 2010).
- The right to an effective remedy for a breach of human rights (UNGA 1996).
- Freedom of expression.
- Freedom of association.
- Surveillance data protection and the right to privacy.
- Economic, social and cultural rights.

### **What else have states done in the name of Countering Terrorism?**

States have criminalised relationships with terrorist organisations so that once an organisation is listed as a terrorist organisation; a person who has certain relationships with that 'terrorist organisation' may face criminal charges and/or detention. Several countries have also introduced new sedition offences, replacing the old sedition offences that may have existed within their body of legislation, and are replacing them with far reaching sedition offences that stifle public debate and restrict freedom of expression.

Control Orders and Terrorism Prevention and Investigation Measures (TPIMs) have become regularly common. A control order can allow a variety of obligations, prohibitions and restrictions to be imposed on a person for the purpose of protecting the public from a terrorist act. For example, a control order can require a person to stay in a certain place at certain times, prevent a person from going to certain places or talking to certain people, or wear a tracking device. These restrictions can impact on fundamental rights and freedoms including the right to liberty, privacy, freedom of expression and freedom of movement.

Finally, cutting off the funds that finance terrorist activity is a critical and legitimate tool in countering terrorist activity. Existing provisions under the provisions of UN Security Council Resolutions 1267 and 1373; along with the Convention on the Suppression of the Financing of Terrorism (UNGA 1999) provide important tools in the fight against terrorist financing. However, the global adoption of such measures remains inconsistent, with many states still to ratify regional money laundering and forfeiture of assets provisions.

### **Counter-Terrorism and the State**

The use of force against terrorists is a primary issue of concern for the state. Terrorism should primarily be dealt with at the level of national and international criminal justice systems. Force should also only be used as a last resort. The framework laid down in the UN Charter is the cornerstone of the international legal regime on the use of force and states remain deeply committed to it. States are encouraged to express their views promptly and openly on the legality (or lack thereof) of any instance where force is used. This has the effect of consolidating international consensus.

The transnational character of modern terrorism also means that intelligence and law enforcement agencies of the state must increasingly share information with their foreign counterparts. This cooperation often involves working with states that have few domestic human rights safeguards, or worse still, with foreign intelligence agencies that have long histories of involvement in systematic human rights violations. States should ensure that national intelligence services have clear guidance and independent monitoring systems that do not hinder the free flow of timely intelligence between nations. Information should be declassified and disseminated as rapidly as possible when needed to, so as to disrupt terrorist operations. In addition, the roles and responsibilities of intelligence officials and law enforcement authorities should be clearly defined. These are processes that can and should be replicated across domestic jurisdictions that provide workable methods for protecting sources and practices, while still complying with the human rights of defendants facing trial for specific acts.

### **Rights of Victims of Terrorism**

States must also protect the security of individuals under its jurisdiction. This includes the rights of victims of terrorism. States can help victims by appropriately condemning the suffering that has resulted by acts of terrorism. Importantly, they must also support the victims and their families, expressing profound unity and cohesion with them, and providing them with practical assistance in the form of appropriate emergency aid.

### **Concluding Comments and the Future of Counter-Terrorism**

The fundamental human rights protections described in this article are not an optional luxury to be granted after consideration to those alleged, or even proven to have engaged in terrorist attacks. They are a necessity without which we risk eroding the very freedoms and civil liberties that underpin democracy itself. In other words, we blur the line between liberty and security at our own peril and must be acutely aware of the consequences of such decisions. Respect for human rights and the rule of law cannot be 'traded' off against counter-terrorism. Human security itself is the foremost human right, the 'right to life', and is the central component of the carefully assembled and independent package of civil and political rights contained within the UNDHHR. The major 'trade off' is not occurring between the derogation of this or that right; it is between the rights of the majority of the population and those of minorities.

By failing to respect human rights in times of terrorist threat we are contributing to the process of radicalisation of those minorities and thereby sowing the seeds of further terrorist atrocities. Human rights are intrinsically inclusive without exception, yet there are common patterns of insecurity developing amongst marginalised groups including an increase in fear and uncertainty; the alienation of some members of the community; and a growing distrust of authority.

The practice of trading human rights for counter-terrorism has become a sinister factor in the development and execution of the foreign policy of established democracies. The UK & USA, for example are consolidated democracies with a long history of liberal rights, and habitualised human rights principles. But they have undergone similar experiences with respect to 'ethnic' and 'global' terrorism, adopting new 'anti-terror' policies as a response. And there are similarities not only in the content and implementation of counter-terrorism measures but also how these have been balanced with human rights.

Firstly in both cases, such measures target forms of opposition perceived as posing an 'existential threat' to the polity. Both countries use a vague and wide definition of terrorism in their legislation, which is not only against the principle of legality but also results in controversial applications such as the establishment of detention centres in Guantanamo Bay and the process of illegal rendition. It is not an accident that the depiction of captives in orange jump suits in Guantanamo is mimicked in the barbaric acts against the innocent by ISIS and then similarly broadcasted to the world through the power of the internet.

Secondly, in both countries one can also observe the tendency to suspend due process, where the individual is stripped of any legal status. While the contentious practice of pre-charge detention in the UK goes back to the Prevention of Terrorism Act (1984), in the aftermath of 9/11, the Anti-Terrorism, Crime and Security Act (2001) introduced for the first time the draconian practice of indefinite detention for non-nationals.

Lastly, both governments have been attempting to securitize areas of social life in response to perceived threats. Once a concern is deemed a security issue *per se*, state officials, evoking a sense of emergency, can employ the right to use extraordinary measures. Although the UK is a long-established liberal democracy, it has nonetheless resorted to such draconian practices that are comparable to those of a democratizing country. On the other hand, whilst pursuing security policies these governments are under obligation to justify their conduct in the eyes of their constituents and the international community.

Effective international cooperation requires respect for human rights. Criminal justice response to terrorism (which includes the investigation, prosecution, and adjudication of terrorist crimes) forms the cornerstone of any sustainable counter-terrorism effort that respects the principles of the rule of law, human rights, and due process. The recent record demonstrates

that the reliance on extrajudicial methods has undermined respect for and the protection of human rights. In particular, the extrajudicial transfer of terrorist suspects has become emblematic of this problem. The disregard for fundamental human rights norms also has the demonstrable effect of undermining international cooperation in the struggle against suspected terrorists. This also has the undesirable effect of eroding the available channels for assisting investigations and prosecutions related to transnational terrorist acts, particularly those that cross regional boundaries. The absence of an effective and efficient regime for international cooperation can result in frustration among law enforcement and security officials that in turn leads to human rights violations. This is particularly important when dealing with fragile states.

The international community has a responsibility to debate the issue of balancing human rights with counter-terrorism in a pragmatic manner and develop solutions that take into account both the security considerations of individual states as well as the imperative need to respect established human rights principles for each and every person. It is the author's personal belief based on practical experience that there should be no contradiction between effective counter-terrorism and upholding fundamental human rights. Both the European Union (EU) and UN counter-terrorism strategies provide a blueprint for a coordinated, consistent, and comprehensive response to terrorism, which includes not only preventative and capacity-building measures, but also the need to address political, economic, and social conditions conducive to the spread of terrorism. The EU and its member states are hugely important in providing assistance to international partners in the fields of rule of law and counter-terrorism to strengthen institutions and build better security and justice systems that improve standards in third-world countries. Some of that assistance may be focused on improving human rights compliance specifically, but more often the focus will be on wider capacity-building activity that indirectly has an opportunity to improve human rights standards. Assistance may be provided in some countries that do not uphold the same human rights principles. Often the places where assistance is most needed will be those that are accused of the gravest human rights violations. The challenge is to develop concrete steps to ensure that human rights based approach is mainstreamed within all counter-terrorism measures.

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