CIVIL SOCIETY & COUNTER-TERRORISM

This briefing is a summary of the 2019 Human Rights Council report (A/HRC/40/52) of *the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.* The report focuses on the role of measures to address terrorism and violent extremism on closing civic space and violating the rights of civil society actors and human rights defenders.

THE PROBLEM

Since 2001, civil society all around the globe has been experiencing restrictions on its work. There has been an increase in the adoption of security measures to counter terrorism and violent extremism which has resulted in the restriction of civic freedoms. These restrictions and limitations hamper meaningful efforts to counter terrorism, as civil society has proven essential in addressing and preventing the conditions conducive to terrorism.
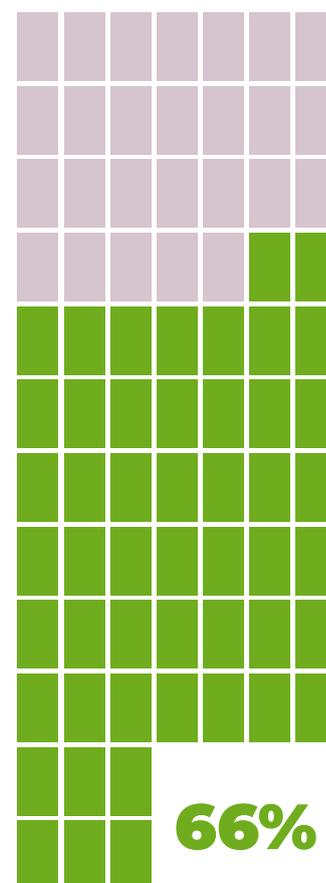
THE CAUSE

The UN Security Council has failed to explicitly define terrorism and violent extremism despite requiring States to adopt measures aimed at preventing such conduct. This results in overly broad and vague definitions of terrorism in national legislation around the globe, including laws to curb extremism. In addition, there are no systematic humanitarian exemptions for protecting civil society and humanitarian actors operating in challenging environments.

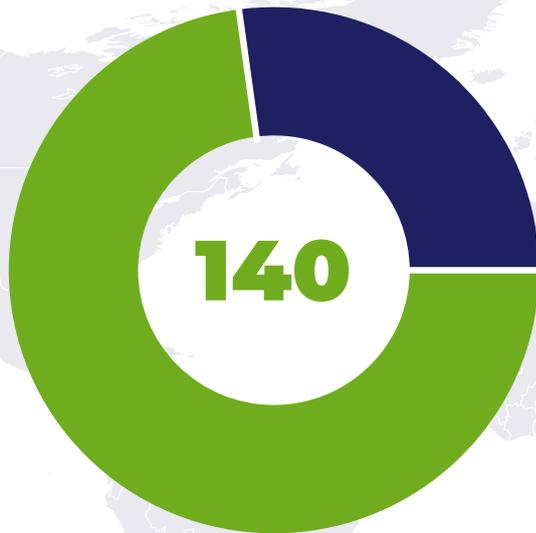## THE IMPACT

Current counter-terrorism framework enables:

- Repressive national measures against lawful non-violent activities of civil society and the targeting of "undesirable" individuals within civil society.
- National legal provisions that restrict rights that are key to civil society: freedom of expression and opinion, freedom of association, freedom of assembly, and freedom of religion.
- Limiting civil society access to financial services, refusal to open or arbitrary closure of bank accounts, inordinate delays or termination of transactions, and onerous administrative requirements.
- Instances of verbal criticism of and disagreement with the State, the government, or its authorities being considered as an act of terrorism.
- Governmental smear campaigns, through State-controlled media or through statements by public officials whose objective is to delegitimize civil society and tarnish their reputation, by loosely characterizing them as "terrorists," implying that they are "threats to national security" or "enemies of the State."
- Many activities of civil society, human rights defenders, journalists, bloggers, and political opponents falling under laws whose stated purpose is to counter-terrorism, prevent and counter violent extremism, and protect national security.

Existence of these measures, and their use against some civil society actors is sufficient to silence those who are targeted and send a message to all other civil society actors that they too are at risk, creating a chilling effect on civil society space.
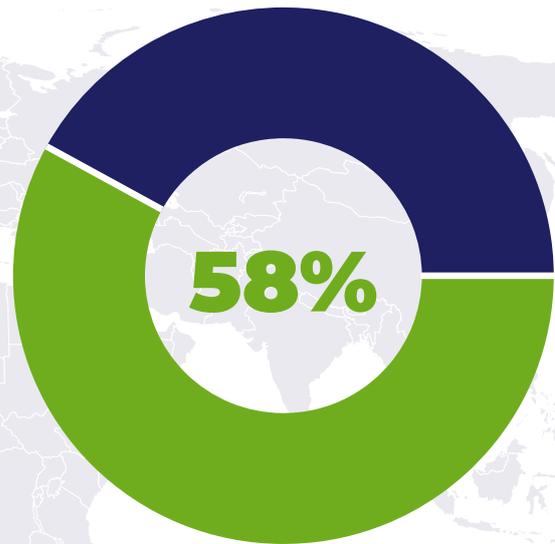
4%

Percentage of the global population living in areas where civic space is open, according to CIVICUS

66%

Percentage of communications sent by the mandate that have dealt with the use of counter-terrorism measures against civil society

IN NUMBERS: COUNTER-TERRORISM LAWS LOOM LARGE

140

Number of governments which adopted counter-terrorism legislation between 2001 and 2018

58%

Percentage of cases tracked by Front Line Defenders where human rights defenders were charged under security legislation

Civil society restrictions do not make a country safe from terrorist attacks - research has shown there is no evidence that legal restrictions on civil society reduce the number of terrorist attacks within a country.

To read the research, click here. For a summary of the research, click here.

RECOMMENDATIONS FOR EFFECTIVE COUNTER-TERRORISM STRATEGIES

Any effective counter-terrorism strategy must strengthen, not weaken, civil society.

1. Criminalization and repression of civil society must be urgently addressed as a misuse of law and an abuse of the rule of law by States.

2. Civil society must be engaged in developing all Security Council resolutions on counter-terrorism and PCVE, advising on the possible adverse impact of proposed measures.

3. The UN Security Council should expressly clarify that humanitarian protection and assistance must never be conceptualized as support to terrorism.

4. Civil society must creatively raise awareness on the crisis it faces resulting from the current global security frameworks