

Security at what price?

Counter Terrorism Committee to analyse the reports submitted to the Security Council assessing counter terrorism measures taken by member states

The Commonwealth Human Rights Initiative (CHRI) calls for a complementary mechanism for the monitoring of counter-terrorism measures with human rights compliance. Counter-terrorism practices throughout the Commonwealth are threatening human rights, yet no United Nations (UN) body is empowered to monitor these implications and hold countries to account.

Since the 2001 attacks in the United States, the UN has been actively ensuring that its member states are taking measures to counter terrorism. Following UN Security Council Resolution 1373, member states are obliged to take certain actions within that framework. These include criminalising and preventing the financing of terrorism related activities and exchanging relevant information. The resolution calls for ratification of the 13 international conventions and protocols related to terrorism. The Counter-Terrorism Committee (CTC) was established to monitor the states' implementation of the resolution. All states are required to provide the CTC with reports of the steps they have taken to implement the resolution. The Chairman of the CTC has announced that "by the end of May 2007, assessments of counter-terrorism measures taken by all United Nations Member States will have been presented to the Security Council committee that monitors the global fight against the menace".

The UN came into being after World War II as an instrument whose guiding principle was to protect human dignity. Its fundamental objective is to promote human rights enshrined as early as 1948 in the Universal Declaration of Human Rights and the Covenants on civil and political, and economic, social and cultural rights. The UN is a human rights body first and foremost. Every action it takes must support that mandate. It is on these foundations that the UN has been careful to ensure its counter terrorism measures do not undermine human rights.

There should be no competition between advancing human rights and protecting populations against the threat of terrorism. The two are complementary. States are bound to take actions that ensure an environment that maximises freedom, security, justice and peace. This includes actions that prevent terrorism. However, human rights violations are endemic in counter-terrorism measures throughout the Commonwealth. The UN and its members have failed to provide a clear meaning of terrorism, and definitions in national law are vague and ambiguous. This confers unfettered discretion on state agents that have the power to implement these laws. State responses to Resolution 1373 have included extended police powers without increased accountability of state forces. Collectively these elements increase the risk of and tolerance for human rights violations. CHRI will publish a report in November highlighting further how the influence of counter-terrorism laws on policing has impacted negatively on human rights.

In monitoring member states' responses to terrorism, the UN has focussed too little on the substance of their content. The potential for human rights violations is evident when countries measure the effectiveness of their counter terrorism by body count¹, or when counter-terrorism strategies involve derogation from international human rights convention².

In protecting populations from terrorism, states cannot undermine the same freedoms they seek to protect. CHRI calls on the UN to implement a monitoring mechanism to ensure this, such as human rights review of the reports provided to the CTC by member states.

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¹ Pakistan 2005 Report to the Counter-Terrorism Committee (Reference S/2005/524)

² See for example, United Kingdom 2001 Report to the Counter-Terrorism Committee (Reference S/2001/1232)