

Session 5

# National Security and Anti-Terrorism Law and Policy

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# Outline

- Intro: terrorism and human rights
- International counter terrorism framework and key concepts
- Trends and challenges



# 1) Terrorism and Human Rights



# HUMAN RIGHTS AND ANTI-TERRORISM

“Our message is clear: You will never, ever win. We are determined never to let the values that we treasure – democracy, human rights and freedom – to be undermined by hatred”

“Combating terrorism in the OSCE region is not only a legal and moral obligation but also an effective way to fight against terrorism”

# OSCE COMPREHENSIVE CONCEPT OF SECURITY

## Security and Human Rights



=> Protecting human rights and countering terrorism are not competing but mutually reinforcing objectives

## Not Security vs Human Rights

# CONDITIONS CONDUCTIVE TO TERRORISM

prolonged  
unresolved  
conflicts

dehumanization  
of victims of  
terrorism in all  
its forms and  
manifestations

lack of rule of  
law

violations of  
human rights

ethnic,  
national and  
religious  
discrimination

political  
exclusion

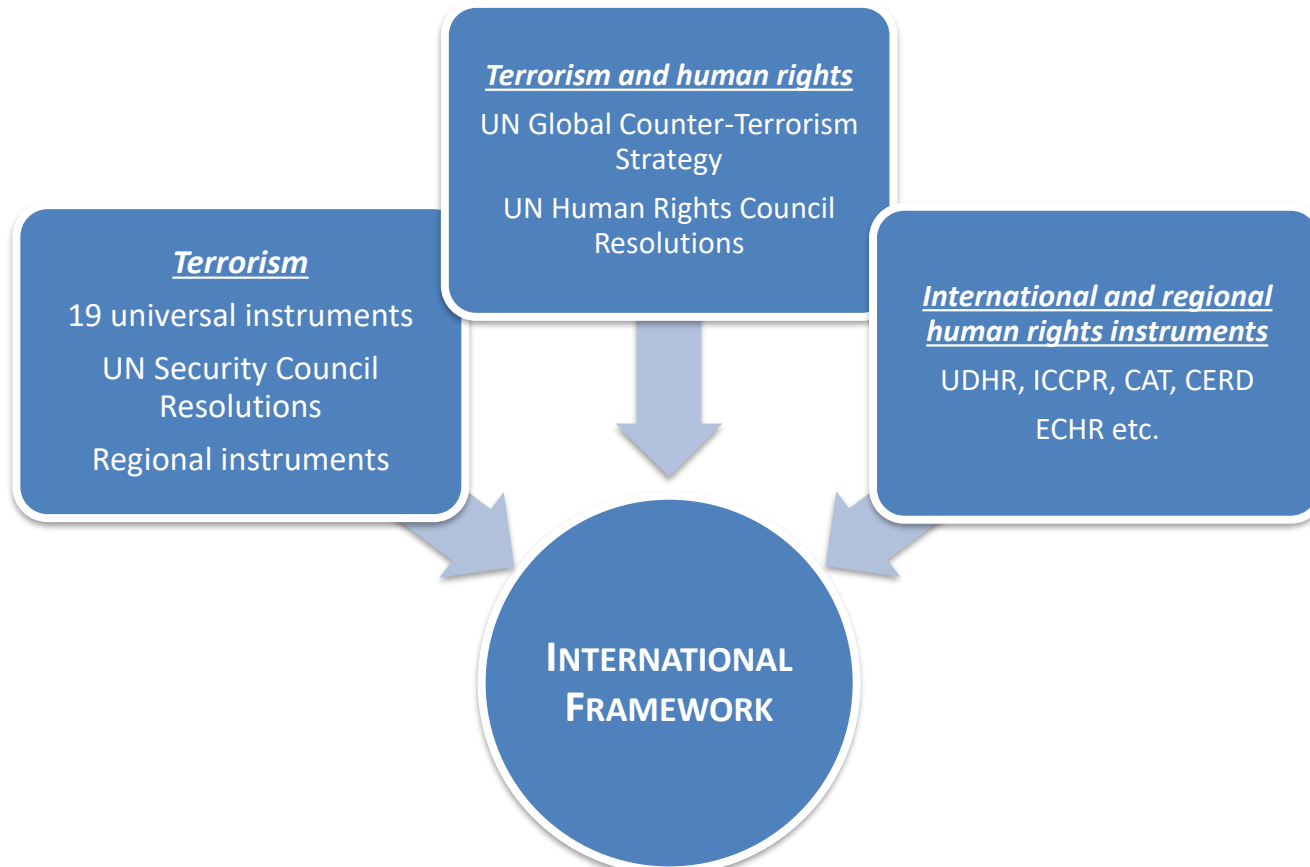
socio-economic  
marginalization

lack of good  
governance

## 2) International CT framework and key concepts

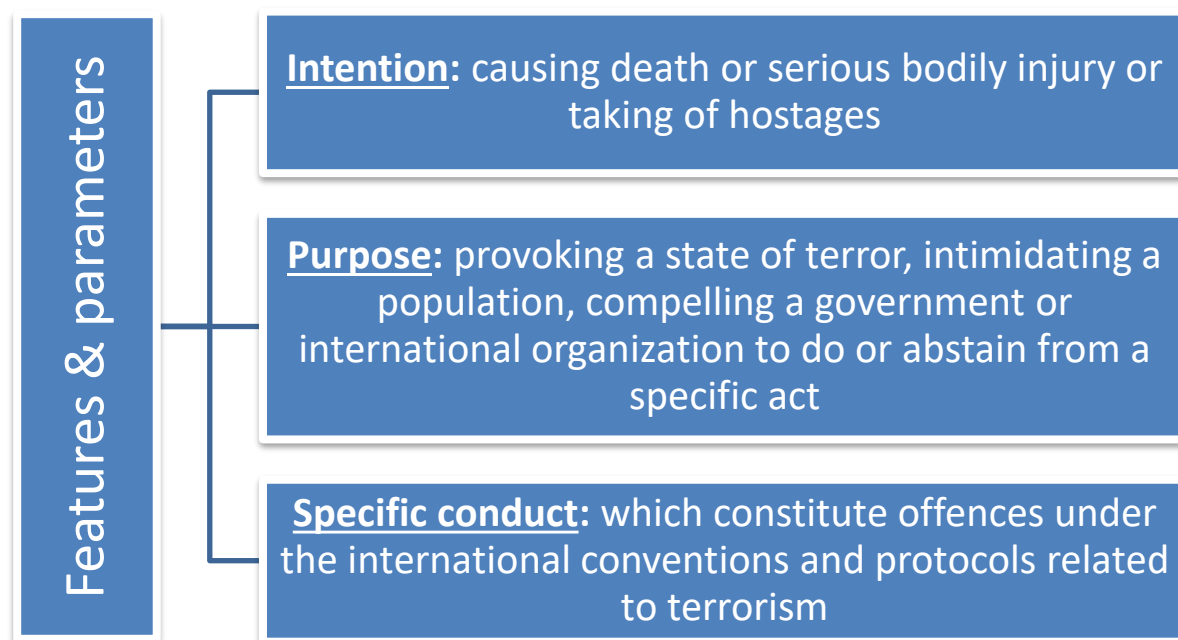


# INTERNATIONAL FRAMEWORK



# KEY CONCEPTS / DEFINITIONS

- No internationally agreed definition of terrorism
- But some recognized features and parameters that characterize terrorism:



# KEY CONCEPTS / DEFINITIONS

- No definition of violent extremism and radicalization to terrorism either
- Human rights standards also protect holding/expression of views and beliefs that some may find radical or extreme.
- Need to distinguish clearly between “extremism” and violent extremism / “radicalization” and radicalization to terrorism”
- OSCE terminology: Violent extremism and radicalization that lead to terrorism (VERLT)

# PREVENTING AND COUNTERING VERLT

**P/C VERLT**  $\neq$  **Countering Terrorism**  $\neq$  **Anti-Extremism**



# KEY CONCEPTS / DEFINITIONS



### 3) Trends & challenges



# DISCUSSION TIME

To protect our societies a fine balance needs to be struck between countering terrorism/VERLT and human rights.

**Agree or Disagree?**

# DISCUSSION TIME

It is essential to react to terrorist attacks immediately by strengthening laws and police powers to give the population a sense of security.

**Agree or Disagree?**

# DISCUSSION TIME

Internet service providers and social media should be banned if they do not take effective steps against spreading of extremist content e.g. by cartoons, memes, comments on news, fake news.

**Agree or Disagree?**

# DISCUSSION TIME

To detect terrorists and ensure public safety, more screening/monitoring should be conducted e.g. in public spaces and at border crossings.

**Agree or Disagree?**

# SECURITIZATION TRENDS AND CHALLENGES

## HR impact of expanding counter-terrorism responses, (public) security concerns

- 
- Overbroad and vague laws prone to misuse, arbitrary/discriminatory application
- 
- Expanding criminal offences (material support, financing of terrorism, glorification/terrorism propaganda ... )
  - New administrative counter-terrorism measures, preventive police measures
  - International and regional police cooperation & information sharing
  - From countering terrorism to preventing (violent) extremism
- 
- Impact of CT on civil society and civic space
  - Technology (mass surveillance, biometrics, algorithmic profiling ...)
  - Conflation of terrorism and migration

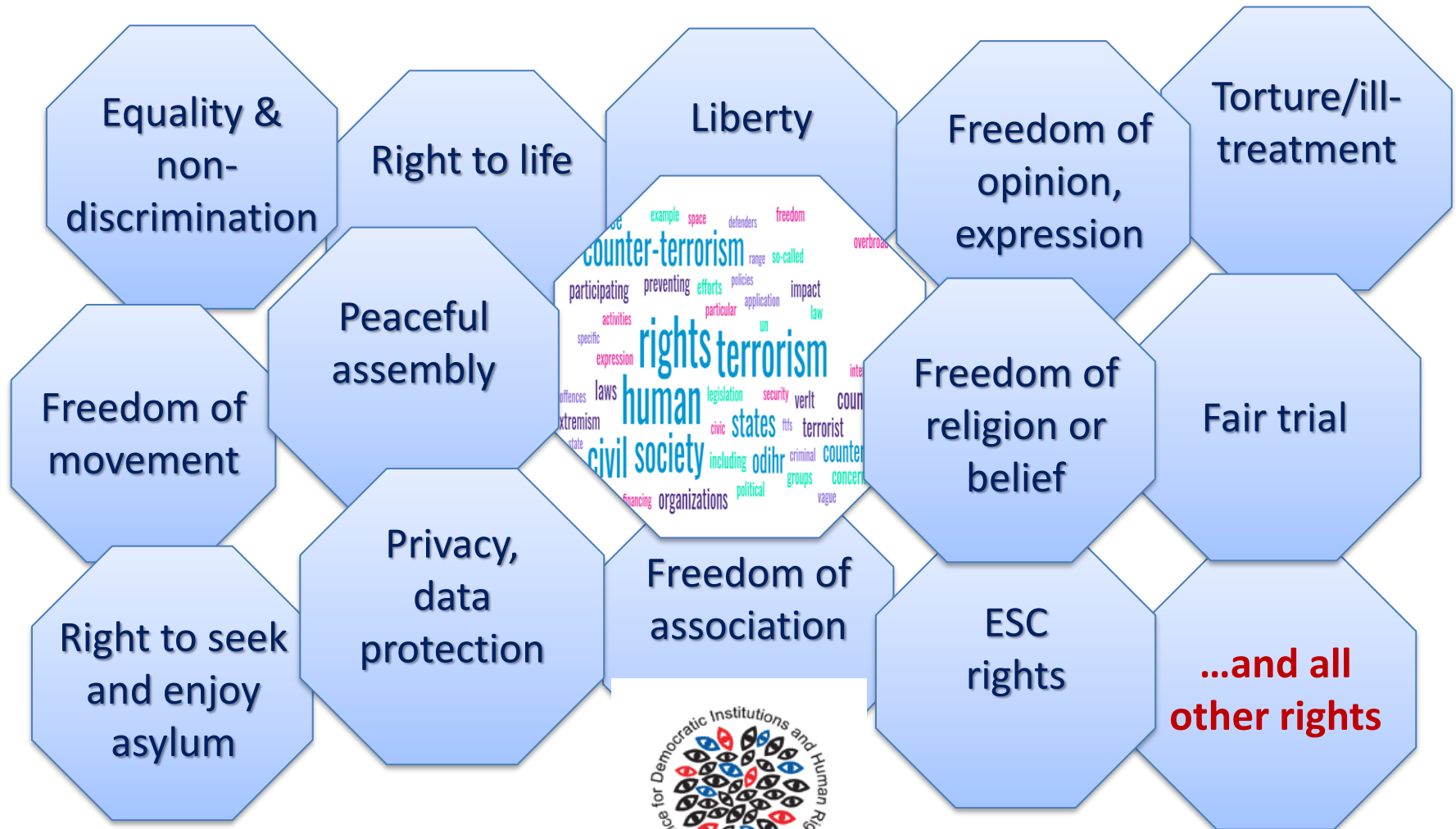
# EXAMPLE: RESPONSES TO THE SO-CALLED “FOREIGN TERRORIST FIGHTERS” PHENOMENON

Pursuant to UNSC resolutions 2178 (2014) and 2396 (2017):

- New criminal offences (terrorism travel, training, financing and support, recruitment)
- Administrative measures (travel bans, area bans, house arrest and preventive detention, citizenship stripping)
- Border security and international cooperation (profiling, data collection and sharing)
- Returning FTFs and their families (repatriation?)
- Countering violent extremism to prevent terrorism



# HUMAN RIGHTS AT STAKE



# Thank you for your attention!

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