

Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Reaffirming its decision 2/112 of 27 November 2006 and its resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008 and 10/15 of 26 March 2009, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, and recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008 and 64/168 of 18 December 2009, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

1. Calls upon States to ensure that any measure taken to counter terrorism complies with international law, in particular international human rights, refugee and humanitarian law;
2. Expresses serious concern at the violations of human rights and fundamental freedoms, as well as of refugee and international humanitarian law, in the context of countering terrorism;
3. Deeply deplores the suffering caused by terrorism to the victims and their families and expresses its profound solidarity with them, and stresses the importance of providing them with proper assistance;

3 bis recognizes that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing

4. Reaffirms its unequivocal condemnation of all acts, methods, practices and financing of terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renews its commitment to strengthen international cooperation to prevent and combat terrorism and, in that regard, calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which reaffirms, inter alia, respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;
5. Calls upon States, while countering terrorism, to ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims will receive adequate, effective and prompt reparations where appropriate, including by bringing to justice those responsible for such violations;
6. Urges States, while countering terrorism, to protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;
7. **Calls upon States to safeguard, when countering terrorism, the right to privacy in accordance with international law, and urges States to take measures to ensure that all interferences are regulated by law, proportionate to the security threat, subject to effective oversight and appropriate redress.**

8. Also urges States, while countering terrorism, to respect the right to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable, international humanitarian law and refugee law;

9. Reiterates the concerns expressed in its previous resolutions regarding measures that can undermine human rights and the rule of law, and urges all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, benefit from the guarantees to which they are entitled under international law, including the review of their detention and other fundamental judicial guarantees, in accordance with international law, including international human rights, refugee and humanitarian law;

11. Acknowledges the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism;

12. Requests all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

13. Regrets that the compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism was not submitted to the Council's 13th session as requested and encourages all further efforts by the Secretariat to assist the Special Rapporteur to submit the compilation to the Human Rights Council at its 14th session.

14. **Welcomes** the report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism submitted to the Council (A/HRC/13/36) as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158 on the protection of human rights and fundamental freedoms while countering terrorism, and requests the High Commissioner to continue her efforts in this regard;

15. Requests the High Commissioner and the Special Rapporteur to contribute further appropriately to the ongoing discussion regarding the efforts of Member States of the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing on, **reviewing** and removing individuals and entities from terrorism-related sanctions lists,

16. Welcomes the decision taken by the United Nations Security Council in its resolution 1904/2009, to establish an office of the Ombudsperson and looks forward to an early appointment as a step to continue enhancing the due process guarantees for persons on the United Nations Security Council consolidated list

17. Stresses the importance that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-

Terrorism Implementation Task Force, which provide technical assistance related to the prevention and suppression of terrorism to consenting States, include, as appropriate and where consistent with their mandates, the respect of international human rights law and, as applicable, international humanitarian law and refugee law, as well as the rule of law, as an important element of technical assistance that they offer to States related to counter-terrorism, including by drawing on the advice of, and otherwise ensuring the ongoing dialogue with, the special procedures of the Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

17bis. Acknowledges that active involvement of civil society can complement ongoing governmental activities for the protection of human rights and fundamental freedoms while countering terrorism.

18. Invites the Office of the United Nations High Commissioner for Human Rights and the relevant special procedures of the Human Rights Council, to engage in a more systematic collaboration with the Security Council and its Counter-Terrorism Committee, in order to promote a consistent approach to the protection of human rights and fundamental freedoms while countering terrorism, and welcomes further efforts by the Security Council and its Committees, in the fulfillment of their respective mandates, to integrate a human rights approach into its counter-terrorism objectives

19. Requests the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Council at its sixteenth session under agenda item 3, in conformity with its annual programme of work.