



**OSCE Office for Democratic Institutions and Human Rights (ODIHR)**

**ODIHR Submission for the  
Call for inputs: Global Study on the Impact of Counter-Terrorism  
Measures on Civil Society and Civic Space**

*issued by the*

*UN Special Rapporteur on the protection and promotion of human rights and  
fundamental freedoms while countering terrorism*

**Warsaw, December 2022**

## INTRODUCTION

OSCE participating States consistently re-affirmed their commitment to respect and protect human rights in the fight against terrorism.<sup>1</sup> They have tasked the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to offer technical assistance and advice on the development and implementation of policies and legislation aimed at countering the threats posed by terrorism and violent extremism and radicalization that lead to terrorism (VERLT), and to facilitate dialogue between State and non-governmental actors with a view to exploring areas of co-operation and mutual assistance in this field.<sup>2</sup>

While OSCE participating States have recognized the important role of civil society in countering terrorism and preventing VERLT, counter-terrorism efforts in numerous states have a substantial negative impact on civil society and raise a range of associated human rights concerns.

ODIHR is pleased to provide observations to the call for inputs of the UN Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism for the mandate's forthcoming global study on the impact of counter-terrorism measures on civil society and civic space.<sup>3</sup> The following overview of related concerns is based on ODIHR's recent publications and tools with a focus on human rights and counter-terrorism, as well as a side event organized by ODIHR on the topic at the Warsaw Human Dimension Conference in October 2022<sup>4</sup>.

## THE ROLE OF CIVIL SOCIETY IN PREVENTING AND COUNTERING TERRORISM

In accordance with the OSCE's comprehensive concept of security, which includes the protection of human rights as a core component and is based on co-operation among a broad range of state and non-state actors, OSCE participating States have acknowledged that both preventing terrorism and countering terrorism require the involvement of civil society in order to be effective.<sup>5</sup>

In numerous OSCE commitments, participating States have reiterated the need to address the conditions conducive to terrorism, including by "fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty".<sup>6</sup> They have recognized that countering terrorism requires an inclusive, coordinated and co-operative approach, including, where appropriate, through the "establishment of public private partnerships between State authorities, the private sector (business community, industry), civil society and the media".<sup>7</sup> Furthermore, they have underlined that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and co-operation of states, international and regional organizations, as well as, where appropriate, civil society.<sup>8</sup>

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<sup>1</sup> A full list of OSCE commitments related to the protection of human rights while combating terrorism is available on ODIHR website: [www.osce.org/files/f/documents/4/4/42555.pdf](http://www.osce.org/files/f/documents/4/4/42555.pdf).

<sup>2</sup> OSCE Bucharest Plan of Action Bucharest 2001 (Annex to Decision No. 1 on Combating Terrorism: The Bucharest Plan of Action for Combating Terrorism; MC(9).DEC/1) and 2007 Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy (MC.DOC/3/07).

<sup>3</sup> See [www.ohchr.org/en/calls-for-input/2022/call-inputs-global-study-impact-counter-terrorism-measures-civil-society-and](http://www.ohchr.org/en/calls-for-input/2022/call-inputs-global-study-impact-counter-terrorism-measures-civil-society-and).

<sup>4</sup> See *Urgent action needed to protect civic space against misuse of counter-terrorism*, ODIHR event underlines, 5 October 2022, [www.osce.org/odihr/527706](http://www.osce.org/odihr/527706). The event was organized by ODIHR at the margins of the Warsaw Human Dimension Conference (WHDC) convened by the Polish OSCE Chairmanship-in-Office in September/October 2022. Side event panelists included representatives of the UN Special Rapporteur on human rights and counter-terrorism, the Office of the Council of Europe Commissioner for Human Rights and Amnesty International.

<sup>5</sup> 2004 Ministerial Statement on Preventing and Combating Terrorism (MC(12).JOUR/2).

<sup>6</sup> 2002 OSCE Charter on Preventing and Combating Terrorism (MC(10).JOUR/2) and 2008 Ministerial Council Decision No. 10/08 on Further Promoting the OSCE's Action in Countering Terrorism (MC.DEC/10/08).

<sup>7</sup> 2012 Permanent Council Decision No. 1063 on OSCE Consolidated Framework for the Fight against Terrorism (PC.DEC/1063).

<sup>8</sup> 2015 Ministerial Council Declaration No. 3/15 on Reinforcing OSCE Efforts to Counter Terrorism in the Wake of Recent Terrorist Attacks (MC.DOC/3/15).

OSCE participating States have also underlined the importance of active civil society engagement in specific counter-terrorism areas, for example, in countering the use of the Internet for terrorist purposes<sup>9</sup>; the financing of terrorism<sup>10</sup>; the incitement, recruitment, and travel of “foreign terrorist fighters” (FTFs) and in preparing for and mitigating the threat posed by their return<sup>11</sup>; as well as in preventing and countering VERLT<sup>12</sup>. With regards to the latter, OSCE participating States have highlighted in particular the important roles that youth, families, women, victims of terrorism, religious, cultural and education leaders, civil society and the media, can play in preventing VERLT.<sup>13</sup> Accordingly, OSCE participating States have pledged to involve civil society in the organization’s counter-terrorism activities and efforts to prevent and counter VERLT.<sup>14</sup>

Consistent with the application of the UN Global Counter Terrorism Strategy, such a multi-stakeholder approach has been taken by the UN and other inter-governmental organizations.<sup>15</sup> It underscores the importance of civil society in particular in areas such as preventing VERLT, in developing strategies to counter violent extremist narratives, in programming and delivery of services, for example, in the health, social welfare and education sectors, which can contribute to the rehabilitation and reintegration of returning and relocating FTFs and their families.<sup>16</sup>

At the same time, the impact of counter-terrorism measures on civil society as well as the watchdog role of civil society as critical observers has received considerably less attention in international counter-terrorism declarations and commitments, despite its potential to help identify and address negative human rights impacts of expanding counter terrorism laws and policies.

## **IMPACT OF COUNTER TERRORISM EFFORTS ON CIVIL SOCIETY AND CIVIC SPACE**

While counter-terrorism laws and policies have rapidly expanded over the past two decades, there has been an observable global trend of shrinking civic space, also in the OSCE region. Where anti-terrorism action is taken in response to social unrest, demonstrations, or simply criticism of the government and where the labels of “terrorism” or so-called “extremism” are being misused to target political and social activists, journalists, bloggers and human rights defenders, this leads to multiple human rights violations and damage to the credibility and legitimacy of states’ counter-terrorism efforts at the national and international levels.<sup>17</sup>

### ***Misuse of overbroad counter-terrorism and “anti-extremism” laws – criminalization of civic space***

ODIHR has long expressed concern about the human rights impact of overbroad and vague counter-terrorism and so-called “anti-extremism” laws, which are prone to arbitrary or even abusive application. Overbroad and vague definitions in counter-terrorism and “anti-extremism” legislation raise serious

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<sup>9</sup> 2006 Ministerial Council Decision No. 7/06 on Countering the Use of Internet for Terrorist Purposes (MC.DEC/7/06).

<sup>10</sup> 2012 Ministerial Declaration on Strengthening Good Governance and Combating Corruption, Money Laundering and the Financing of Terrorism (MC.DOC/2/12) and Ministerial Council Decision No. 4/16 on Strengthening Good Governance and Promoting Connectivity (MC.DEC/4/16).

<sup>11</sup> 2014 Ministerial Council Declaration No. 5/14 on The OSCE Role in Countering the Phenomenon of Foreign Terrorist Fighters in the Context of the Implementation of UN Security Council Resolutions 2170 (2014) and 2178 (2014) (MC.DOC/5/14).

<sup>12</sup> Ministerial Council Declaration No. 4/15 on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism (MC.DOC/4/15) and Ministerial Council Declaration No. 1 on Strengthening OSCE Efforts to Prevent and Counter Terrorism MC.DOC/1/16.

<sup>13</sup> Ibid.

<sup>14</sup> 2007 Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy (MC.DOC/3/07); 2012 Permanent Council Decision No. 1063 on OSCE Consolidated Framework for the Fight against Terrorism (PC.DEC/1063).

<sup>15</sup> UN General Assembly Resolution 75/291 (2021), The United Nations Global Counter-Terrorism Strategy: seventh review, UN Doc. A/RES/75/291, 2 July 2021. See also e.g. the Guidebooks of the OSCE Secretariat Transnational Threats Department *A Whole-of-Society Approach to Preventing and Countering Violent Extremism and Radicalization That Lead to Terrorism: A Guidebook for Central Asia* (Vienna: OSCE, 2020), [www.osce.org/secretariat/444340](http://www.osce.org/secretariat/444340) and *The Role of Civil Society in Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Guidebook for South-Eastern Europe* (Vienna: OSCE, 2019), [www.osce.org/secretariat/400241](http://www.osce.org/secretariat/400241).

<sup>16</sup> Highlighted e.g. in UN Security Council Resolution 2396 (2017), UN Doc. S/RES/2396, para 32 and Resolution 2178 (2014), UN Doc. S/RES/2178, para 16. See also ODIHR *Guidelines for Addressing the Threats and Challenges of “Foreign Terrorist Fighters” within a Human Rights Framework* (hereafter ODIHR Guidelines on FTFs), September 2018, [www.osce.org/odihr/393503](http://www.osce.org/odihr/393503), pp. 57-59.

<sup>17</sup> As highlighted e.g. at the WHDC side event organized by ODIHR referred to above, see [www.osce.org/odihr/527706](http://www.osce.org/odihr/527706).

concerns about non-violent acts being targeted by such legislation, including the activities of peaceful opposition groups, civil society and human rights defenders across the OSCE area.<sup>18</sup>

ODIHR has set out its concerns about several aspects of such legislation in detail in a number of legislative reviews:

- In particular, ODIHR underlined that definitions of terrorism should be narrowly defined so as not to include “forms of civil disobedience and protest, the pursuit of certain political, religious or ideological ends, or attempts to exert influence on other sections of society, the government or international opinion”. Because, in practice, vague terrorism definitions may be used as a tool for the suppression of legitimate activities such as political dissent, democratic participation or human rights non-governmental organizations, labour union strike or civil disobedience.<sup>19</sup> The same applies to vague definitions of “terrorist acts”, provisions about the content and scope of “participating in terrorist activities”, “membership of a terrorist organization” or the liquidation of “terrorist organizations”, which could be misused to dissolve non-governmental organizations or associations carrying out legitimate activities.<sup>20</sup>
- Furthermore, ODIHR raised principled concerns pertaining to “extremism” as a legal concept and the vagueness of such terms particularly in the context of criminal legislation.<sup>21</sup> The criminalization of “extremism” is problematic due to the inherently vague and subjective nature and the broad range of, also non-violent, conduct that may be captured by the term as well its potential human rights implications. Banning and prosecuting so-called “extremism” risks criminalizing the mere expression of opinions or ideas.<sup>22</sup> International human rights standards protect the right to hold opinions without interference; and freedom of expression, often described as one of the essential foundations of democracy, embraces the freedom to express ideas and opinions that “offend, shock or disturb”, i.e. also the peaceful expression of ideas that some may consider radical or extreme.<sup>23</sup>
- The mere existence of “extremism” crimes is also likely to have a chilling effect on the exercise of a number of rights, including freedom of thought, conscience, religion or belief, expression, association, peaceful assembly, political participation as well as the right to education and academic freedom.<sup>24</sup> The same applies to procedures in relation to, for example, the issuance of official warnings or notices for “extremist activity”, contained in such laws.<sup>25</sup> Given the inherent difficulty of providing a legal definition of the term and the serious human rights concerns arising from it, ODIHR questions the practice of having specific legislation on countering so-called “extremism” at all, while also noting recommendations by other international human rights mechanisms for states to repeal provisions regulating so-called “extremism” in their laws.<sup>26</sup>

The misuse of overbroad counter-terrorism and “anti-extremism” laws in practice and the unwarranted application of offences related to terrorism or “extremism” against people expressing dissent, journalists, human rights defenders, activists, including activists on environmental issues, and other groups is well

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<sup>18</sup> ODIHR Guidelines on FTFs, p. 54.

<sup>19</sup> See ODIHR *Comments on the Law on Combatting Terrorism of the Republic of Uzbekistan*, 20 December 2019, para 91 (with reference to the Joint ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly, 2010).

<sup>20</sup> *Ibid.* paras 47, 57 and 81. Concerning legal certainty and the definition of “terrorist acts” see also ODIHR *Preliminary Opinion on the Draft Amendments to the Legal Framework “On Countering Extremism and Terrorism” in the Republic of Kazakhstan*, 6 October 2016, paras 25-28.

<sup>21</sup> See e.g. ODIHR *Note on the Shanghai Convention on Combating Terrorism, Separatism and Extremism*, 21 September 2020, para 54; *Comments on the Law on Countering “Extremism” of the Republic of Uzbekistan*, 22 November 2019, para 14; *Opinion on the Law on Countering Extremist Activity of the Republic of Moldova*, 30 December 2019, para 15; *Preliminary Opinion on the Draft Amendments to the Legal Framework “On Countering Extremism and Terrorism” in the Republic of Kazakhstan*, 6 October 2016, para 21; and ODIHR *Urgent Interim Opinion on the Draft Law “On Non-Profit Non-Governmental Organizations” and Draft Amendments on “Foreign Representatives – Kyrgyz Republic”*, 12 December 2022, para 39. All ODIHR legal reviews on legislation to counter terrorism and “extremism” are available through the following link: <https://legislationline.org/legal-reviews>.

<sup>22</sup> ODIHR *Note on the Shanghai Convention*, 2020, p. 2 and para 30.

<sup>23</sup> *Ibid.* para 57; ODIHR Guidelines on FTFs, pp. 55-57.

<sup>24</sup> ODIHR *Note on the Shanghai Convention*, para 58.

<sup>25</sup> See e.g. ODIHR *Opinions on Moldova and Uzbekistan*.

<sup>26</sup> See ODIHR *Note on the Shanghai Convention* and other legislative reviews referred to above.

documented in a number of countries, also within the OSCE region.<sup>27</sup> Participating States should ensure that legislation designed to criminalize terrorist-related offenses is strictly construed to minimize the risk of politically-motivated or otherwise abusive application.<sup>28</sup>

### ***Increasing breadth of counter-terrorism action – direct and indirect impact on civil society***

Overbroad counter-terrorism law and policy affords excessive discretion to authorities tasked with its implementation and thereby increases the risks of arbitrary application. Furthermore, it can have significant negative human rights implications that directly or indirectly impact civil society and civic space. In its work on human rights and counter-terrorism issues, ODIHR has therefore consistently raised concerns about the expanding scope of counter terrorism law and policy and about a proliferation of restrictive security measures, which is too often conducted in a way that deprioritizes human rights and risks to erode established human rights protections in the name of countering terrorism.<sup>29</sup>

The broadening scope of counter-terrorism action can be seen, for example, in the range of measures taken to respond to the threats and challenges posed by FTFs. Pursuant to UN Security Council Resolutions 2174 (2014) and 2396 (2017) as well as regional counter-terrorism instruments, states have introduced a broad range of new criminal offences in their national laws, including in relation to terrorism-related travel, receiving or providing training for terrorism, support or public provocation of terrorist acts. To address terrorism-related risks preventively outside of a criminal law framework, states have also increasingly resorted to so-called “administrative measures” (such as travel bans, preventive deprivation of liberty or the deprivation of citizenship), which entail far reaching human rights restrictions. The breadth and scope of such measures exacerbates the longstanding problem of overbroad counter-terrorism law and policy.<sup>30</sup>

To prevent and detect travel of FTFs, UN Security Council Resolution 2396 (2017) created extensive legal obligations for UN Member States, among other things, in relation to the creation of terrorism watchlists and encouraged multilateral and bilateral information sharing accordingly. To avoid misuse and overbroad application of terrorism watchlists, ODIHR stressed that the criteria for including individuals on such lists must be clearly defined based on a narrow and precise definition of terrorist offences.<sup>31</sup> Concerning the Resolution’s call on states to make regular use of Interpol databases for screening travellers, many have sounded the alarm about the potential for abuse of Interpol red notices and so-called “diffusions” (i.e., other law enforcement co-operation requests) about wanted persons as a tool to “export oppression” or their “weaponization” against government critics.<sup>32</sup>

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<sup>27</sup> See e.g. ODIHR, *The Responsibility of States: Protection of Human Rights Defenders in the OSCE Region (2014–2016)*, 14 September 2017. More recently, concerns about the use of anti-extremism laws to “silence the society” have also been raised in the Moscow Mechanism Report *On Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus*, 5 November 2020, <https://www.osce.org/odihr/469539> and are well documented in the OSCE Moscow Mechanism Report *on Russia’s Legal and Administrative Practice in Light of its OSCE Human Dimension Commitments*, September 2022, <https://www.osce.org/files/f/documents/7/5/526720.pdf>. See also statements of the OSCE Representative on freedom of the media such as: <https://www.osce.org/representative-on-freedom-of-media/528318> and <https://www.osce.org/representative-on-freedom-of-media/525309>. With regards to activists on environmental issues, including climate activists who have been labelled, among other things, as “extremists” and “green criminals” and portrayed as serving the interests of “militant”, “extremist left-wing”, “communist” and “terrorist” groups, see Report of the UN Special Rapporteur on freedom of peaceful assembly and of association. 23 July 2021. UN Doc. A/76/222, paras 22-23.

<sup>28</sup> ODIHR *Guidelines on the Protection of Human Rights Defenders*, 10 June 2014, p. 57, para 101, <https://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders>

<sup>29</sup> See e.g. ODIHR Guidelines on FTFs, in particular sections on criminal law responses and preventing and countering VERT; ODIHR Policy Brief *Border Management and Human Rights: Collection, processing and sharing of personal data and the use of new technologies in the counter-terrorism and freedom of movement context* (hereafter ODIHR Policy Brief on border management and human rights), 5 October 2021, [www.osce.org/odihr/499777](http://www.osce.org/odihr/499777).

<sup>30</sup> See ODIHR Guidelines on FTFs, pp. 34-45 and pp. 46-52. For similar concerns see e.g. EU Agency for Fundamental Rights (FRA), *Directive (EU) 2017/541 on Combating Terrorism — Impact on Fundamental Rights and Freedoms*, 18 November 2021, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-directive-combating-terrorism\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-directive-combating-terrorism_en.pdf).

<sup>31</sup> See ODIHR Policy Brief on border management and human rights, pp. 26-27.

<sup>32</sup> *Ibid.*, p. 30. With reference e.g. to Council of Europe Parliamentary Assembly (PACE) Resolutions 2315 (“Interpol reform and extradition proceedings: building trust by fighting abuse”, 29 November 2019, <https://pace.coe.int/en/files/28303/html>) and 2161 (“Abusive use of the Interpol system: the need for more stringent legal safeguards”, 26 April 2017, <https://pace.coe.int/en/files/23714/html>) as well as NGO reports by Fair Trials and Freedom House with case studies on Russia, Türkiye and other countries, as well as regional snapshots from across the world.

In light of the increasing breadth and use, in many OSCE participating States, of terrorism-related offences limiting freedom of expression<sup>33</sup>, ODIHR urged to avoid overly broad criminal offences – such as apology, glorification or condoning of terrorism – that frequently fall short of the threshold of incitement to discrimination, hostility or violence and lead to impermissible limitations of freedom of expression.<sup>34</sup> With regards to measures to counter the use of social media and the Internet by terrorist and violent extremist groups, ODIHR has also cautioned against over-reaching approaches – for example through filtering or blocking of views, materials or other information – which go beyond legitimate efforts to counter incitement to violence, but curb freedom of expression and ultimately run counter to the objectives of preventing VERLT through fostering debate and civil society engagement.<sup>35</sup>

ODIHR has also raised particular concern that human rights defenders and humanitarian organizations have been increasingly affected by counter terrorism laws on, for example, financing or providing “material support” to terrorist organizations. This risk has been exacerbated by expanded criminal offences and restrictions introduced by states in order to prevent and counter threats posed by FTFs. Humanitarian work in situations of armed conflict is impeded where humanitarian actors engaging with armed groups or entities designated “terrorist” may be exposed to criminal liability or face reluctance of donors and financial institutions, including banks, to provide funds or facilitate financial transactions.<sup>36</sup>

While not specific to FTF-related laws and policies, the direct and indirect impact of provisions to counter-terrorism financing on human rights organizations is a recurring problem, with greater legal and regulatory scrutiny to counter terrorism financing also appearing to have a differential impact on women’s rights organizations.<sup>37</sup> Vague provisions about the financing of terrorism in counter-terrorism laws and generalized suspicions against the non-profit sector for posing terrorism financing risks can undermine the functioning of NGOs and may have a chilling effect on access to financial and other resources by associations.<sup>38</sup> Accordingly, ODIHR recommended OSCE participating States to provide appropriate safeguards for legitimate activity such as human rights and humanitarian work, including by women’s rights groups and organizations, and in particular exempt humanitarian work in conflict zones from restrictions designed to counter FTF-related acts.<sup>39</sup>

With the growing scope of counter terrorism action and new security measures introduced, in particular in the wake of terrorist attacks when political and public outrage and pressure are high, the risk of discrimination also increased.<sup>40</sup> Despite OSCE commitments that emphasize that terrorism must not be identified with any ethnicity, nationality, religion or belief, in practice there are concerns that counterterrorism efforts and programmes to prevent VERLT often had a disproportionate or even

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<sup>33</sup> As e.g. also highlighted by the Council of Europe Commissioner for Human Rights, *Human Rights Comment: Misuse of anti-terror legislation threatens freedom of expression*, 4 December 2018, <https://www.coe.int/en/web/commissioner/-/misuse-of-anti-terror-legislation-threatens-freedom-of-expression> with reference to France, the Russian Federation, Spain, Türkiye, and the United Kingdom.

<sup>34</sup> ODIHR Guidelines on FTFs, p. 53 as well as pp. 34-36 and 55-57.

<sup>35</sup> Ibid. pp. 55-59. Concerning “extremism”-related content restrictions and the destruction or removal of “extremist” materials see also ODIHR Preliminary Opinion – Kazakhstan (2016, para 102); *Comments on the Law on Countering “Extremism” – Uzbekistan* (2019, para 49); and ODIHR *Comments on Certain Legal Acts Regulating Mass Communications, Information Technologies and the Use of the Internet in Uzbekistan*, 31 October 2019. Concerning restrictions to freedom of expression, ODIHR also recommended to include defences or exceptions when statements were intended as part of good faith discussion or public debate on a matter of religion, education, scientific research, politics, arts or some other issue of public interest. See *Comments on the Law on Countering “Extremism” – Uzbekistan* (2019, para 27) and *Preliminary Opinion – Kazakhstan* (2016, para 31).

<sup>36</sup> ODIHR Guidelines on FTFs, pp. 26-28.

<sup>37</sup> Ibid.

<sup>38</sup> See e.g. ODIHR Urgent Interim Opinion – Kyrgyz Republic (2022, para 62); *Comments on the Law on Combatting Terrorism – Uzbekistan* (2019, para 47) and *Preliminary Opinion – Kazakhstan* (2016, para 32). See also ODIHR, *The Situation of Human Rights Defenders in Selected OSCE Participating States – The Final Report of the First Assessment Cycle (2017-2019)*, Warsaw 2021, <https://www.osce.org/odihr/493867>, para 159.

<sup>39</sup> ODIHR Guidelines on FTFs, p. 21. See also ODIHR Note on the Shanghai Convention (2020, para 25) and *Comments on the Law on Combatting Terrorism – Uzbekistan* (2019, para 50). For similar recommendations concerning restrictions to freedom of expression, to include exceptions for statements made in good faith discussion or debate on issues of public interest, see footnote 36.

<sup>40</sup> As highlighted for example at an ODIHR event organized within the framework of the EU FRA Fundamental Rights Forum 2021. See: *Human rights & security: 2 sides of the same coin – counter-terrorism, freedom of religion or belief and non-discrimination*, [https://hybrid.fundamentalrightsforum.eu/Programme?day=2021-10-11T00%3A00%3A00%2B02%3A00&location\\_id=8143&track\\_id=18115](https://hybrid.fundamentalrightsforum.eu/Programme?day=2021-10-11T00%3A00%3A00%2B02%3A00&location_id=8143&track_id=18115).

exclusive focus on specific groups in society, namely Muslims and specific ethnic groups.<sup>41</sup> Also, concerns about “extremism” are often cited by states to justify the need for strict control over the activities of individuals and religious or belief communities in the interest of security.<sup>42</sup> The denial of registration or de-registration of a religious community as a whole, for example, is not an adequate response to wrongdoing of individuals who belong to, or are perceived to belong to such communities.<sup>43</sup> The same applies to undue control or even de-registration of associations working for the protection of the rights of members belonging to such communities.

## CONCLUSION

Counter-terrorism measures, which are pursued at the expense of human rights and the rule of law, equality and non-discrimination principles, undermine trust between authorities and the public and jeopardize the credibility and legitimacy on which effective counter-terrorism efforts depend. Open debate, transparency and genuine participation of civil society and groups that may be affected are therefore essential in the development, implementation and regular review of counter-terrorism laws, policies and practices to ensure that they are human rights-compliant and effective.<sup>44</sup>

Against this background, ODIHR engages closely with civil society, non-governmental organizations and human rights defenders across all its work on human rights and counter-terrorism. It seeks the input of civil society experts in developing tools and resources<sup>45</sup> and engages in publications jointly with specialized civil society organizations.<sup>46</sup> The Office regularly takes initiatives in cooperation with civil society to jointly promote greater respect for human rights while countering terrorism.<sup>47</sup> Furthermore, ODIHR convenes events to promote dialogue between state authorities, national human rights structures and civil society on human rights concerns arising in countering terrorism and preventing VERLT,<sup>48</sup> and it seeks to promote the function of civil society organizations, amongst other actors, for greater human rights scrutiny of state efforts in countering terrorism and preventing VERLT.<sup>49</sup>

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<sup>41</sup> See ODIHR Guidelines on FTFs, section on discrimination, pp. 62-63.

<sup>42</sup> ODIHR, *Freedom of Religion or Belief and Security – Policy Guidance*, 9 September 2019, <https://www.osce.org/odihr/429389>, p. 31.

<sup>43</sup> *Ibid.*, p. 35.

<sup>44</sup> See ODIHR *Guidelines on FTFs*, pp. 73-74.

<sup>45</sup> See e.g. series of expert meetings on *Border Management and Human Rights: Collection and sharing of information and the use of new technologies in the Counter-Terrorism and Freedom of Movement Context*, 15-25 June 2020, <https://www.osce.org/odihr/453291>.

<sup>46</sup> See. E.g. ODIHR and Penal Reform International (PRI) publication: *Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors*, 15 July 2021, <https://www.osce.org/odihr/492934>.

<sup>47</sup> See e.g. Side event on Repatriation of "Foreign Terrorist Fighters" and their families from conflict zones in Syria and Iraq, February 2020, <https://www.osce.org/odihr/453048>.

<sup>48</sup> See e.g. *Sub-regional Workshop for Selected European States on the Protection of Human Rights while Countering Terrorism (Austria, Belgium, France, Germany, the Netherlands, Switzerland and the United Kingdom)*, 19-20 May 2021, <https://www.osce.org/odihr/484865>.

<sup>49</sup> See e.g. *Protecting human rights while preventing and countering violent extremism and radicalization leading to terrorism (VERLT) in prisons: Regional Workshop for Central Asia*, 29-30 November 2022, <https://www.osce.org/odihr/531644> and the related ODIHR/PRI Guide for Detention Monitors referred to above.