

*Check against delivery!*

Welcoming remarks  
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Supplementary Human Dimension Meeting on  
Human Rights and the Fight against Terrorism  
Vienna, 14-15 July 2005



Ladies and gentlemen,

I would like to welcome you all to this Supplementary Human Dimension Meeting on counter-terrorism and human rights. It is an opportunity to exchange views on one of the most urgent and difficult issues we are facing today: ensuring that human rights are respected in the fight against terrorism.

Before saying a few words about the meeting's context, I would like to take this opportunity to express my sincere condolences to the United Kingdom and to the families of the victims of the appalling terrorist attacks on commuters in London last week. It is at moments like this that we are brutally confronted with the challenge to stand up to terrorism. We must not allow it to question our commitment to uphold the principles of human rights, the rule of law and democracy. I applaud the measured and dignified response of the British authorities and the British public to these terrible attacks. Their response gave a clear message that terrorist acts will not be allowed to undermine the values of democratic society.

At the outset, allow me to underline the importance of the OSCE's concept of comprehensive, and cooperative, security. The concept's key elements are the indivisibility of security and the allegiance to shared values, commitments, and norms of behaviour. At the OSCE Istanbul Summit, participating States reaffirmed that "respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security."

This concept of comprehensive security is a crucial element of the fight against terrorism as the threat of international terrorism aims at affecting the fundamentals of security, including democracy and human rights. When developing a comprehensive security strategy for the 21<sup>st</sup> century, the OSCE participating States have emphasized the need to focus equally on prevention and on reaction to terrorism. This is also the approach the ODIHR has taken in developing its activities in this area.

Ladies and Gentlemen.

A strategy to tackle terrorism can only be comprehensive if it recognizes one crucial element: that curbing human rights, and using excessive force in civilian crisis management, will only have a destabilizing effect, generating conditions that foster radicalization of individuals and groups of society. Such recognition is manifested in the OSCE commitment to promote a climate of mutual respect and tolerance in all participating States. The ODIHR supports this work by offering its assistance to strengthen democratic institutions, human rights, the rule of law, tolerance, and mutual respect.

This meeting offers the opportunity to study a number of key topics which need to be addressed in order to ensure that the fight against terrorism does not undermine the protection of human rights in the OSCE region.

The first session addresses the need to **protect freedom of religion** in the context of the international fight against terrorism. The fight against terrorism must not be used as an opportunity to suppress religious or political groups.

The ODIHR has raised concerns about the increased use of legislation proscribing 'extremism' in the OSCE region without any clear definition of the acts and offences which might be criminalised in the context of violent extremism.

The ODIHR is concerned about the prohibition and dissolution of political groups in some countries on account of their alleged extremist or terrorist activities. We will gather and analyse data on existing legislative provisions and practices. We will also monitor legal developments and implementation of relevant law. In response to a request from a participating State, the ODIHR is currently facilitating technical assistance on developing non-legislative ways of addressing extremism. Non-legislative measures include educational projects, confidence-building measures, inter- and intra-religious dialogue, community-based initiatives and civil society capacity building – these are all measures which in turn help to prevent conflict and to combat factors that may engender violent extremism and terrorism.

Another cause for concern in the OSCE region stems from the focus on religion in public debate about the threat of terrorism. Some media and politicians often stress a link between religion and terrorism. This can lead to immigrant and religious communities feeling stigmatized and discriminated against because of their beliefs. Instead, we need to strengthen the capacities to better integrate such communities into our societies.

The second topic to be dealt with at this meeting is **torture**. The prohibition on torture is absolute and non-derogable. Torture is also recognized as an international crime; and yet allegations of torture and public debates about the use of evidence extracted through torture and ill-treatment are still evident across the entire OSCE region, in particular in context of the fight against terrorism.

Extradition has been recognized as an important area of international cooperation in the fight against terrorism. The ODIHR is concerned, however, by risks posed in the transfer of persons across borders, whether through extradition, rendition or expulsion, which may expose them to torture or ill-treatment in breach of the principle of *non-refoulement*. This principle and other human rights obligations prohibit States from returning a person to a place where he or she would be at risk of torture or ill-treatment, whether or not that person is accused or convicted of a crime. This is an issue which many states face when cooperating in the fight against terrorism.

The third topic, the **role of civil society** in the fight against terrorism, is of particular significance in the OSCE comprehensive security approach to terrorism:

An active civil society demonstrates engagement in public life. It promotes democracy and respect for human rights. This, in turn, counters feelings of marginalization and powerlessness, which can serve as a breeding ground for terrorist ideology and recruitment. Civil society actors can provide legal expertise to assist the legislator in fulfilling human rights obligations in national terrorism legislation. They can contribute to establishing comprehensive approaches in legislation and practice in the face of an acutely perceived terrorist threat. Moreover, victims' associations also play an important role to assist in promoting and protecting the rights of victims of terrorism.

Ladies and Gentlemen,

Allow me to conclude with a few words on the work of the ODIHR in the field of anti-terrorism. It is a combination of monitoring, technical assistance and analysis of specific themes, such as the issue of extremism, protection of the rights of victims, and judicial cooperation. The ODIHR can provide technical legislative assistance, specific advice and training to participating States to address the complex issues involved in protecting human rights while combating and preventing terrorism. We are currently developing a training program for public officials who have to work on these questions on a daily basis.

The ODIHR is supporting initiatives bringing together public officials and civil society actors to discuss ways of addressing extremism. The ODIHR has continued its work on this issue, in particular by exploring non-legislative means of combating extremism.

We have also focused on the protection and promotion of the rights of victims. The ODIHR intends to launch a study of legislation and structures in OSCE states regarding the protection and promotion of the rights of victims of terrorism with a view to making recommendations of best practice on this subject. In this context let me express the gratitude of the Office to Spain for their generous contribution to our activities in this area, as well as to Liechtenstein and Austria for their support to our programme on human rights and counter-terrorism.

The ODIHR's work on counter-terrorism and human rights forms a part of the global strategy on the fight against terrorism and for this reason, the ODIHR is actively cooperating with the Anti-Terrorism Unit of the OSCE Secretariat to contribute to a comprehensive approach of the organization to counter terrorism. In addition, the ODIHR works closely with other international organizations such as the UN Office of the High Commissioner for Human Rights, the UN Office on Drugs and Crime, the UN Counter-Terrorism Committee, the Council of Europe and the European Union to ensure that our work provides added value in the region. The ODIHR along with the ATU have been involved in recent consultations within the Council of Europe on implementation of the 2002 and 2005 guidelines on protecting human rights while countering terrorism. The ODIHR is currently exploring the possibility of the OSCE formally supporting the application of the guidelines.

Ladies and Gentlemen.

The effectiveness of the ODIHR's work depends on the willingness of participating States to effectively address the issues we are discussing here today. We stand ready to respond to further requests from States for technical assistance and training.

We are faced with a challenge. We must not allow that human rights and the rule of law become casualties of the fight against terrorism. That would be conceding a victory to terrorists.

I look forward to a concrete outcome of the discussions over the next two days.