

Issue Analysis

- Counter-Terrorism and Human Rights - *Sessions 1-8*

Introduction

- Counter-Terrorism and Human Rights is an issue that is raised rarely within the context of the Universal Periodic Review.
- A total of 14 States posed advance questions on the issue while 28 States made recommendations.
- Out of 3533 advance questions from session 1 to 8, 38 questions concerned counter-terrorism and human rights.
- Out of 12385 recommendations in total, 66 focused on counter-terrorism and human rights.
- In order to facilitate further analysis of this issue, a division has been made between questions and recommendations that concern the situation of counter-terrorism and human rights and questions and recommendations that concern the work of Treaty Bodies and Special Procedures on the issue of counter-terrorism.

Analysis

Situation of counter-terrorism and human rights

- This category contains all questions and recommendations that relate the situation of counter-terrorism and human rights, which include the compatibility of anti-terrorism legislation with human rights standards, non-derogability of certain rights and specific issues such as secret detention centers.
- Out of 38 questions, 32 focused on the situation of the situation of counter-terrorism and human rights.
- Out of 66 recommendations, 55 focused on the issue of the situation of counter-terrorism and human rights.
- Questions and recommendations include, for example “Please could you tell us what progress the government is making to enshrine effective counter-terrorism legislation that respects international human rights law and the time frame for the elaboration of this?” and “Reinforce due-process safeguards for detainees imprisoned for conduct allegedly related to terrorism or to the operation of armed groups”.

Top 2 States posing advance written questions on this issue

1. Sweden and United Kingdom (7 questions each)
2. Argentina, Czech Republic, Denmark, Netherlands and Norway (2 questions)

Top 4 States making recommendations on this issue

1. Mexico and Sweden (5 recommendations each)
2. Algeria, Cuba, Russian Federation and Switzerland (4 recommendations each)
3. Pakistan (3 recommendations)

4. Argentina, Czech Republic, Kuwait, Netherlands, Norway and United States (2 recommendations each)

Treaty Bodies and Special Procedures

- This category contains all questions that relate to the work of treaty bodies (such as the HRC or the CAT) and special procedures on the promotion and protection of human rights while countering terrorism.
- Out of 38 advance written questions, 6 focused on treaty bodies and special procedures.
- Out of 66 recommendations, 11 focused on the issue of treaty bodies and special procedures.
- Questions and recommendations include, for example, “In drafting the counter-terrorism law, to what extent will the government take into account all the recommendations made by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism?” or “Take into account the observations made by the Human Rights Committee and the Special Rapporteur on the promotion and protection of human rights while countering terrorism.”

Top 2 States posing advance written questions on this issue

1. Netherland and Sweden (2 questions each)
2. Ireland and Germany (1 question each)

Top 3 States making recommendations on this issue

1. Mexico (7 recommendations)
2. Netherlands (2 recommendations)
3. Slovenia and Spain (1 recommendation each)