

Item 3: Interactive dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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Agenda Item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

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Islamic Human Rights Commission (IHRC) is a not-for-profit campaign, research and advocacy organisation founded and based in the United Kingdom. It was set up in 1997 and works for redress of human rights violations and a better understanding of rights and norms across confessional, ethnic, national, political and other boundaries.

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Since the escalation of hostilities between Palestine and Israel on the 7th of October 2023, the governments of United Kingdom, France and Germany have made overuse, misuse and abuse of counterterrorism and anti-extremism legislation, policies and measures as a way to conflate human rights and civil society activities with terrorist activities.

Relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning terrorism and the protection of human rights, all require that states must ensure that any measure taken to combat terrorism and violent extremism, comply with all of their obligation under international law, in particular international human rights, refugee and humanitarian law. Further, the Commission on Human Rights Resolution 2005/38 on freedom of opinion and expression stressed that “the need to ensure national security, including counter-terrorism, cannot not be used unjustifiably or arbitrarily to restrict the right to freedom of opinion and expression”, and that States must refrain from “using counter-terrorism as a pretext to restrict the right to freedom of opinion and expression in ways that are contrary to their obligations under international law”.

IHRC believes that non-violent criticism of state policies or institutions, including the judiciary, should not be made a criminal offence under counter- terrorism measures in any society governed by rule of law and abiding by human rights principles and obligations. In this regard, the 2018 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism says that any “laws that criminalize freedom of expression or views that appear to praise, glorify, support, defend, apologize for or that seek to justify acts defined as “terrorism” under domestic law implicate both serious concerns of legality and limitations on freedom of thought and expression”.

Yet, we have been witnessing a repeated and unjustified use of counter-terrorism legislation for political purposes. In all these countries, new legislation has been proposed making anti-Zionism a criminal offense. In France, 16 senators submitted for the first reading in the Senate the bill No. 21 that makes anti-Zionism a criminal offense. The proposed bill aims to amend article 25 of the law of July 29/1881 on freedom of the press, by including penalties for various offenses related to anti-Zionism. In Germany, the Federal Interior Minister Faeser is pushing forward a new constitutional protection law that will significantly expand the powers of the domestic secret service. The law aims at making it possible for the domestic secret service to address landlords, work colleagues, family members or acquaintances and point out suspicions of extremism against the target person. In the UK, national Ministers have called in a public letter for schools to report students who speak up for Palestinian rights to the Prevent anti-terrorism programme, which creates a positive duty for those working in education or health to report those who they deem at risk of radicalization. Still in the UK, government officials publicly announced their commitment to update the Terrorism Act by creating the new offence of “glorification of terrorist acts” that would criminalise behaviour associated with terrorism, such as the Shahada black flag, which “looked like the Islamic State flag but is not the Islamic State flag”.

IHRC believes the conflation between anti-Semitism and anti-Zionism operated by State is intentionally, and only another pretext to justified legislations that conflict with the international human rights law, and strengthen draconian policies already in force, especially in the areas of citizenship, migratory flows management, monitoring of CSO’s and the restriction of individuals’ political rights.