

THE **SOUFAN** CENTER

Remarks for the  
UN High-Level International Conference on  
Human Rights, Civil Society & Counter-Terrorism

Hosted by United Nations Office of Counter-Terrorism (UNOCT)  
and the Government of the Kingdom of Spain

**Role of the United Nations**  
**Counter-Terrorism Architecture**

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## About The Soufan Center

The Soufan Center (TSC) is an independent non-profit center offering research, analysis, and strategic dialogue on global security challenges and foreign policy issues, with a particular focus on counterterrorism, violent extremism, armed conflict, and the rule of law. Our work is underpinned by a recognition that human rights and human security perspectives are critical to developing credible, effective, and sustainable solutions. TSC fills a niche role by producing objective and innovative reports and analyses, and fostering dynamic dialogue and exchanges, to effectively equip governments, international organizations, the private sector, and civil society with key resources to inform policies and practice.

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Excellencies, Ladies & Gentlemen, Colleagues,

It is an immense pleasure and privilege to be among you again after these pandemic years, and I wish to thank the organizers, the United Nations Office of Counter-Terrorism and the Government of Spain, for hosting this conference and shining a light on these critical topics.

Much has been said in the course of the preceding sessions, and I hope to avoid repetition, but I will speak on four points: the role of the United Nations, the urgency of addressing protecting the rights and needs of victims, the integration of gender and finally, some reflections on moving us forward from consensus to application through the UN architecture.

First, I think it's valuable to take a step back consider that various actors in international counterterrorism will have their own roles and mandates, and consider the UN's comparative advantages in addressing international terrorism: the convening power of a body in which the whole world is represented; a platform – some say “bully pulpit” – that can reflect the moral compass of the international community; and a convergence of technical and political expertise at its fingertips, which can reach out from headquarters to the field, even in the most difficult of contexts. These make many of the outcomes more valuable, but can also pose challenges in building the kind of consensus and cooperation needed to move forward.

With these in mind, it is vital that the United Nations reinforces the obligations states have to uphold human rights and ensure that all efforts to counter terrorism and violent extremism promote and protect these, and I second the Special Rapporteur's statement this morning at the session on victims. This is not only a legal obligation and a moral imperative, but an operational necessity and while the latter should not be the overriding imperative it cannot be sidelined, in particular for counterterrorism practitioners in the field.

We have heard from many of the speakers already how violations of human rights breed distrust and disenchantment with governments and states, and support for groups that can offer alternatives perceived as just and fair. We have seen that violations of human rights can reinforce narratives about injustice, marginalization, and exclusion and perpetuate structural conditions that perpetuate inequalities. We have seen that the use of torture, coercive interrogations, and the sidelining of the rule of law have reinforced the worst narratives and undermined the credibility of actors seeking to reinforce and strengthen the rule of law.

The Global Counter-Terrorism Strategy was remarkable for crafting a comprehensive approach that recognized that counterterrorism could not be successful and sustainable if it did not foster the promotion and protection of human rights. But its implementation – and compliance with Security Council obligations – is still a work in progress for most states. Moreover, although the Security Council and General Assembly have made tremendous headway in incorporating human rights into resolutions and guidelines, there are few open and transparent measures to hold states publicly accountable for compliance – and it's worth noting many human rights obligations do not originate in counterterrorism resolutions but in international treaties.

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Building on the burgeoning consensus heard here in Malaga, it will be critical to have opportunities in the near future to take stock and assess progress and impact of these measures, as well as commitments on human rights, gender, and civil society that have been made in other UN fora.

Ladies and gentlemen,

I come to the second point, supporting victims and survivors. It was a great honor in a previous role to be a founding member of the Group of Friends on Victims and the UN has been integral in elevating the focus on victims in international counterterrorism efforts. A critical component of this is accountability for those who perpetrate terrorist and war crimes, and there has been a globally low level of accountability for Daesh perpetrators, with some few exceptions.

In Syria and Iraq, the so-called Islamic State's campaign of genocide against the Yezidi community has left many thousands still traumatized by sexual violence, including abductions, sexual slavery, human trafficking, and murder—with many thousands still in captivity. Despite the findings of UNITAD that ISIS had perpetrated genocide and war crimes, accountability remains elusive with only a handful of successful prosecutions in Western countries. Many foreign fighters associated with ISIS continue to languish in makeshift camps with little hope of repatriation or accountability, delaying prospects for investigations and prosecutions in their home countries. I would like to echo the Special Rapporteur's reminder today that prosecutions based solely on membership and travel are insufficient, in particular in light of the serious crimes perpetrated by terrorist groups.

Reports suggest that the presence of foreigners exacerbated the prospects for violence, exemplified by the recent trial and conviction of ISIS "Beatles" members El Shafee El Sheikh and Alexandra Kotey, which highlighted not only the brutality used by ISIS against civilians but the treatment of hostages, many of whose fates remain undetermined, with families left standing too often alone to fight for the safe returns of loved ones. The UN must be on the forefront of increased support to victims and survivors, including hostages and their families, and ensure that groups perpetrating these crimes are held accountable under the law.

Groups like ISIS also explicitly utilized gendered recruitment narratives and the lack of accountability speaks to a lack of commitment to challenging such narratives. This brings me to my third point, the issue of integrating gender throughout counterterrorism efforts. There are often concerns about this being a box ticking exercise and guarding against that; for many years, there was no box really until resolution 2122 in 2013, and then of course resolution 2242, so I am grateful for that progress. However, there is a risk that in the relatively slow process of seeking to mainstream gender there have been lost opportunities to ensure that gendered analyses inform the conceptualization, development, implementation, and assessment of UN Counterterrorism and PVE efforts, with only a few exceptions. Too often, actions have been premised on very narrow notions of the role – singular – of women and an assumption of their roles as victims, or associated with children; or that integrating gender simply meant inviting more women. Instead, as we heard from so many great speakers on Monday and Tuesday, this means considering the multiple – and sometimes overlapping – roles of women in relation to terrorism and the gendered dimensions of

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risks and needs of men, women, and youth or children in creating projects and programs, but also creating dedicated projects to ensure the protection of women's human rights in counterterrorism contexts, ranging from law enforcement and border security measures, to countering terrorism financing and PVE initiatives.

Fourth and finally, I would like to reflect on some concrete ways in which we can move from the consensus widely reflected in Malaga towards meaningful progress and implementation through the UN architecture. This means integrating some critical questions and challenges into the discussions, such as how to reflect the vast *diversity* of civil society meaningfully in UN CT processes; how to *fund, manage, and create mechanisms that are legitimate and credible* – which can sometimes mean slow and bureaucratic – but also *dynamic and inclusive*. I have had the privilege of working on these issues from multiple perspectives and have found many existing opportunities and tools that may be considered:

- **Donors and partners for UN projects** have important roles in ensuring that an analysis of human rights and gender implications are presented in the early stages of project development, and promoting consultations with civil society organizations in developing these; continue that dialogue throughout the implementation and assessment; ensure that the UN Human Rights Due Diligence Policy and the principles it enshrines are applied to all UN-developed and delivered counterterrorism initiatives;
  - violations of human rights obligations in the name of counterterrorism should result in the pause or cessation of UN counter-terrorism assistance;
  - Global Compact members might consider town-hall like meetings on imminent policy initiatives, whether resolutions or large-scale programs, to inform the development of proposals and feedback to donors or penholders;
- **The Security Council** should foster greater transparency with regard to states' compliance with counterterrorism resolutions, including the need to ensure compliance with international law, international human rights law, and international humanitarian law; there could be increased use of mechanisms like the *Informal Interactive Dialogues (IID)* and *Arria Formula* meetings by member states seeking to table a resolution, to ensure opportunities for experts and civil society members to inform the deliberations;
- **The Counter-Terrorism Committee (CTC)** could require the development of an *annual human rights impact assessment report*, drawing on the cumulative insights gained from assessments visits, CTED's thematic branch and the Global Research Network, on the longer-term impacts and implications for human rights of Council resolutions. Moreover, there should be greater focus on CTED follow up with states on their human rights recommendations from visits, which was great to hear from their remarks yesterday, but which too often do not get sufficient attention in dialogues with states; such a report could also inform the **GA's review of the GCTS**;

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- **States**, whether co-facilitators of the GCTS or prospective penholders of resolutions, have tremendous leeway in setting the tone and developing working practices that can put many of the values agreed in Malaga into action. Regular consultations with civil society groups on matters appearing before the Council, on forthcoming texts or projects and investing in longer term deliberative processes is within the reach of any current and incoming member of the Council;

For example, we heard – and have heard for many years – of the value and importance of humanitarian exceptions in sanctions regimes and in counterterrorism measures. These require long hard conversations that acknowledge the priorities and realities of many different stakeholders – on the counterterrorism, humanitarian & private sector sides – and such regular and interactive dialogue will be a key foundation to informing any future progress. There was some good momentum on this before the onset of COVID-19 and this will hopefully pick up again.

Excellencies, colleagues,

We at The Soufan Center regularly track the evolving and emerging security challenges that shape our environment today, from all forms of violent extremism, to disinformation and the continuing risks posed by transnational terrorist groups. Our work has highlighted the critical importance of human rights and the rule of law to the success of efforts to counter terrorism and violent extremism; the importance of supporting and working with victims and survivors; and of holding perpetrators of terrorist crimes accountable. We are working on identifying the roles and impacts of the Security Council's counterterrorism efforts over two decades through the *Securing the Future Initiative*. In all these dimensions, the UN has a critical role to play in creating an international legal and policy framework, and we look forward to continuing to work with all of you to realize this mandate.

*\*Check against delivery\**