Thematic briefings III: Overarching considerations for countering the use of new and emerging technologies for terrorist purposes

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Excellencies, colleagues,

At the outset, let me thank you for the opportunity to address the Counter-Terrorism Committee and to offer UN Human Rights Office perspectives on human rights challenges linked to new and emerging technologies.

the use of new and

overarching considerations are indeed key legal obligations which States have freely assumed. International law, including international human rights law, provides us with a clear legal framework to respond to the challenges of terrorism, including the use of new technologies to commit acts of terrorism.

Under international law, a State has complementary types of obligations vis-à-vis its people within its jurisdiction, including in some cases also extraterritorially, that are particularly relevant in the counter-terrorism context. First, the State has a duty to protect the security of its population, including with regard to the foreseeable risks to life and health posed by acts of terrorism. Second, the State has an obligation to ensure that its own conduct does not violate the rights of any person. This includes, for us, the need to avoid State measures that would compel or incentivize third parties, including internet and other technology companies, to take actions that unduly restrict the

Meeting these requirements is no easy task, and indeed, we have repeatedly experienced that ill-conceived or improperly executed counter-terrorism efforts can at times become counter-productive sources of rights violations themselves.

The UN High Commissioner for Human Rights and UN human rights mechanisms have frequently highlighted the roles

in counter-terrorism contexts, and their human rights impacts. State efforts to counter terrorism have often employed overbroad and vague definitions of terrorism or terrorist acts, and at times have granted extensive executive powers without sufficient safeguards against abuse, including through independent oversight. As a result, such over-reaching measures have jeopardized the enjoyments of the rights of many to non-discrimination, privacy, expression, association, peaceful assembly and to an effective remedy.

For example, demands to filter and block content on social media have been shown to frequently affect minorities and journalists in disproportionate ways. Mass surveillance, often depicted as a necessary counter-terrorism measure, has already been a grave problem for many years and seems to

respecting rights when countering terrorism is fundamental to ensuring sustainable and effective efforts to protect our security. Approaches that cross these important lines not only violate the law, they undermine efforts to combat terrorism by eroding the trust, networks, and community that are essential to successful prevention and response. OHCHR stands ready to assist and advice the Committee and all stakeholders on these is important issues.

Thank you for your attention.