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“Preventing the spread of terrorism”

**Presentation by Thomas Hammarberg, Commissioner for Human Rights
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Two points have to be made at the outset of this discussion. The first is that nothing can justify or excuse acts of terrorism. These crimes shall never be trivialized or explained away, they have to be condemned strongly.

The other point is that the response to the terrorist acts on 11 September 2001 was largely misguided. The “war on terror” may have stopped some planned terrorist actions but, on the whole, the military strategy appears to have encouraged the terrorist groups rather than stopped them. This remarkable failure makes it the more necessary now to analyze in some depth the root causes – what conditions are conducive to the spread of terrorism?

That discussion has been difficult precisely because it was feared that such an analysis would undermine our strong position against terrorism as such – there was a confusion between “understanding” and “accepting”. In the US the discussion was further blocked by the perceived need to give unconditional support to the executive in a period of crisis. To question the war strategy was for a long time seen as unpatriotic.

However, the discussion has started. The United Nations put forward a Global Counter-Terrorism Strategy last autumn, five years after September Eleven. One purpose was to stop terrorism at its roots, to act for prevention. The UN strategy listed a number of conditions conducive to the spread of terrorism, namely:

- Prolonged unresolved conflicts
- Discrimination and intolerance
- Xenophobia
- Poverty and economic inequalities
- Social exclusion and high youth unemployment
- Political exclusion
- Human rights deficits and lack of good governance.

Common for these conditions is that they tend to lead to injustices for the individuals and to cause deep frustration and a sense of personal humiliation.

However, there is no simple cause-effect relationship. The point has been made that several of the most dangerous terrorists have *not* come from circumstances of poverty – though many of them appeared to have felt excluded from the broader society. Xenophobia is clearly a dangerous phenomenon also in this context.

Marginalization, misery and other human rights deficits seem to breed atmospheres in which extremist leaders can recruit young people for violent actions. In the Middle East we learn that there is a queue of volunteers who are prepared to take their own lives as suicide bombers to kill others – studies have demonstrated that this is directly connected to the conflict. These young people are desperate, feel deeply humiliated and have little hope for the future.

It is relevant to analyze the effects of discrimination also in Europe - not least on younger people. There are indications that discrimination of minority groups in relation to housing, education and employment has fostered deep resentment. European Muslims have met a more hostile social climate since 11 September 2001.

Police actions – including repeated ID controls and intrusive searches – have to a large extent been targeted at Muslims or people looking as if they originate from Arab or South Asian countries. There is the risk that the police are no longer perceived as a form of protection, but rather as a threat.

In this picture the work for human rights is highly relevant for the prevention of terrorism.

One of the aims of my work, as Commissioner for Human Rights, is to tighten the protection of the social rights such as the right to education, employment, decent housing, social services and health care.

Denial of these rights is inherently an assault on human dignity. But it also serves as an insurmountable hurdle to the enjoyment of civil and political rights. Realization of participation rights is essential for the inclusion of everyone in society, to prevent marginalization.

Unfortunately, the protection of human rights has been presented as an *obstacle* to an effective work against terrorism. This has been a gigantic mistake, the damage of which is still hurting on a global level.

Agreed standards on human rights have been violated as if they were a luxury. Suspects have been illegally arrested and transported to secret places of detention. They have been detained for unlimited periods of time without due process and even a possibility to challenge their imprisonment. They have been interrogated with methods amounting to torture.

This policy has been a disaster. It has undermined the international system of human rights protection in general – and it has backfired as a means against terrorism. Using similar methods as the terrorists themselves is a defeat in itself and it has given the terrorist networks undeserved encouragement.

The reintroduction of torture was a betrayal of the very ideals we want to defend against the forces of violent evil. And, of course, such interrogation methods did not give the reliable information that the security agency was looking for. What we do know, however, is that the reports from Guantanamo Bay and Abu Ghraib have strengthened the position of the extremists, also here in Europe.

States have a duty to protect their citizens against terrorism. They must do so while respecting their human rights' obligations. It is the aim of international organizations, like the Council of Europe, to persuade Member States that national security and human rights protection are not mutually exclusive.

In fact, democratic governments governed by the rule of law must lead by example. In responding to terrorist acts, States need to cling ever more tightly to the rights protected under the European Convention on Human Rights.

By way of some examples:

- The absolute prohibition on torture, inhuman and degrading treatment or punishment must be respected regardless of the threat of terrorism.
- The right to a fair criminal trial has to be a reality for every person charged, whatever the charges brought against him/her may be.
- Privacy rights should be respected. Interference should only be made when there is aim and in response to a pressing social need proportionate with that aim.
- Unwarranted restrictions of freedom of expression should be avoided.
- Freedom of association should not be unduly curtailed.

I do not want to simplify. There are situations when some limitation of individual rights may be necessary. These are regulated in the international treaty system and should be seen as temporary and proportionate to the threat against the security of the State. Some rights can never be derogated from, such as the protection against torture.

The conclusion is that there is no basic contradiction between national security and the respect for human rights. On the contrary, genuine and lasting security requires a culture of human rights.