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Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul

Defining terrorism to respect and protect human rights

The Special Rapporteur's 2026 report on "Defining terrorism to respect and protect human rights" (A/HRC/61/52)* revises the mandate's 2010 model definition of terrorism to provide best practice guidance on formulating national, regional and international definitions of terrorism in a manner that respects and protects human rights. The elements of the definition are explained and interpreted in the report and its annex.

The Special Rapporteur's revised model definition of terrorism is as follows (para. 68):

1. Any person commits a terrorist offence if that person, by any serious criminal act, intentionally causes death, serious bodily injury, or hostage-taking, where:

(a) The purpose of the conduct, by its nature or context, is:

(i) To provoke a state of terror in the public or a group of persons; or

(ii) To unduly compel a Government or an international organization to do or to abstain from doing any act;

(b) The conduct is intended to advance a political or ideological purpose, which must be a substantial purpose; and

(c) The conduct, given its nature or context, intentionally causes serious damage to a country or an international organization.

2. A terrorist offence does not include:

(a) An act of advocacy, protest, dissent or industrial action that does not intentionally cause death or serious bodily injury;

(b) Conduct committed in armed conflict that does not violate international humanitarian law;

(c) The provision of humanitarian activities by impartial humanitarian organizations in accordance with international humanitarian law;

(d) The activities of State military forces in the exercise of their official duties, inasmuch as they are in accordance with international law; and

(e) An act intended to establish or re-establish democracy, constitutional Government or the rule of law, or to exercise or safeguard human rights.

* https://www.ohchr.org/en/documents/thematic-reports/ahrc6152-defining-terrorism-respect-and-protect-human-rights.