SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL

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

UN80 Reforms to United Nations Counter-terrorism Activities:

Strengthening Human Rights, Gender Equality, the Rule of Law and Prevention

Briefing Note, August 2025

Any UN80 reforms to UN counter-terrorism bodies and activities must not be only a cost-cutting exercise but must preserve and strengthen the protection of human rights, gender equality, the rule of law and prevention

United Nations | Building Our Future Together

A. Introduction

As part of the UN80 Initiative, the Secretary-General has suggested consolidating all United Nations counter-terrorism activities into the UN Office of Counter-Terrorism (UNOCT). No detailed proposal has been released. Any UN80 reforms to UN counter-terrorism activities must not be only a cost-cutting exercise but must strengthen, not diminish, the protection of human rights, gender equality, the rule of law and prevention, including by taking more seriously the conditions conducive to terrorism and ensuring assistance and protection to victims of terrorism and counter-terrorism. The mandate of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism has long called for reform of United Nations counter-terrorism architecture and activities in order to strengthen human rights protection (A/77/345, A/76/261, A/73/361, A/HRC/34/61, A/65/258).

Reform proposals must address the following issues to enhance human rights protection.

B. Consultation

1. Meaningfully and transparently consult with diverse stakeholders

Proposals should be developed in consultation with all relevant stakeholders. UNOCT conducted a closed consultation with Member States on 30 June 2025 and has committed to consultations with UN entities and to reporting back, although nothing is yet available. It is not clear how these processes connect to the larger, arms-length UN80 process. So far there have not been structured consultations with all relevant UN entities potentially affected by any changes to the UN counter-terrorism bodies, including the 46 mainly-UN entities that are part of the UN Global Counter-Terrorism Coordination Compact, or its Working Groups. Consultations have also not been held with civil society organizations, UN staff potentially affected or staff unions.

C. Guiding principles for reform

2. Strengthen a human rights, gender and rule of law focus

Any restructure should enhance, not diminish, mainstreamed and stand-alone human rights assessment and programming. Human rights and gender-competent staff and expertise should be increased not reduced. Currently, human rights and gender are inadequately prioritized in the UN counter-terrorism architecture. The human rights pillar of the Global Counter-Terrorism Strategy is not adequately institutionalized, implemented or resourced. There are not enough dedicated human rights and gender-focused staff in UNOCT or the Counter-Terrorism Executive Directorate (CTED) to match the scale of UN programming and their responsibilities. Other UN entities engaged in counter-terrorism and protection require more resources, including the Office of the High Commissioner for Human Rights (OHCHR), UN Women, UNICEF and UNHCR, rather than centralizing resources in counter-terrorism entities. The UN liquidity crisis is already undermining the resources and institutional capacities to protect human rights.

3. More seriously address the conditions conducive to terrorism

Pillar I of the UN Global Counter-Terrorism Strategy, preventively addressing the conditions conducive to terrorism, still receives insufficient attention relative to its importance in preventing terrorism and is overshadowed by the securitised approaches in Pillars II and III. UN counter-terrorism activities sometimes avoid confronting more politically challenging conditions such as State violations of human rights (including while countering terrorism), inequality, political exclusion, bad governance, corruption and failure to resolve protracted conflicts through peace-making and peace-building. UN counter-terrorism activities should be more integrated into, and subordinate to, the larger UN mission to promote peace and security, the Sustainable Development Goals, climate justice and human rights, rather than building an autonomous space and misaligning with (or worse, undermining) these wider UN goals. The credibility of UN counter-terrorism efforts is at stake, and preventively promoting national human rights compliance, oversight and accountability and effective remedies, including reparation, should be seen as "core business", not added extras, in all UN counter-terrorism activities.

4. Preserve a focus on victims of terrorism and counter-terrorism

There is a risk that if reforms shrink UN counter-terrorism activities, issues perceived as "soft" will be sacrificed in favour of harder security responses. Any reforms must ensure that victims of terrorism and counter-terrorism are not left behind, including by encouraging assistance and protection of victims in accordance with the best practice international standards reflected in the United Nations Model Legislative Provisions to Support the Needs and Protect the Rights of Victims of Terrorism.

5. Strengthen independent UN human rights monitoring

In any reforms, independent human rights monitoring in counter-terrorism must be reinforced, including by the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee, OHCHR, and the mandate of the Special Rapporteur. Severe under-resourcing of OHCHR and the mandate of the Special Rapporteur should be remedied, so that they can fulfil their mandates to promote human rights in States assisted by UN counter-terrorism activities, and to participate in the Global Compact and through it to vigorously assist in mainstreaming human rights in all UN counter-terrorism activities.

6. Engage and include civil society

UN entities must develop, implement and adequately resource policies and procedures for engaging with diverse and independent civil society actors when developing, implementing, monitoring and evaluating their counter-terrorism activities. These include national and international NGOs, local communities, and organizations addressing victims, humanitarian activities, human rights protection and advocacy, women, youth, minorities and Indigenous peoples. Such engagement enhances human rights and the effectiveness of UN counter-terrorism activities. States committed to such engagement in the eighth review of the Global Counter-Terrorism Strategy, but more implementation is needed. Engagement also advances the United Nations' larger commitments to civil society. UN counter-terrorism bodies, and the Security Council, must also take stronger action to prevent and suppress reprisals against civil society for their human rights work, including for engaging with the UN.

D. Reform of the UN counter-terrorism architecture

7. Preserve the strengths of effective UN counter-terrorism entities

Any reconfiguration of UN counter-terrorism bodies and activities should preserve and enhance existing strengths, not risk undermining what is working well. In particular:

(a) The long-standing **Terrorism Prevention Branch (TPB) of the UN Office on Drugs and Crime (UNODC)** is highly regarded for its rigorous application of human rights law, its rule of law culture, its strong consultative ethic with other UN entities, civil society and experts and its extensive practical experience and network of country offices. A particular strength of TPB is that its activities are typically integrated into and benefit from broader related UNODC activities, including on money laundering and terrorist financing, organized crime, violence against children, radicalization in prisons, and victims of crime, among others. TPB's activities are also embedded in UNODC's financial, programmatic and field office architecture; it has few regular budget posts and is mostly project-based; and most funding is tightly earmarked to UNODC generally not TPB specifically. All of this would make it programmatically and operationally challenging to disentangle TBP's activities from its wider UNODC home, and any separation could undermine its current comparative advantages.

(b) **CTED's** value lies in its detailed, diagnostic monitoring of States for implementation of Security Council resolutions and associated standards (including human rights, refugee and humanitarian law), dialogue with States about improving compliance, and identification of technical assistance needs, including for referral to other UN entities. CTED's evaluative independence from the operational and programmatic side of UN counter-terrorism, its close and productive link to the Security Council (including its positive influence on the Council's consideration of human rights, rule of law, prevention and the conditions conducive to terrorism), its established track record and its well-functioning working methods would seem to caution against any reform that disturbs these comparative advantages. Like all entities CTED must continue to improve its own practices, including engaging with civil society, promoting best practice human rights standards, and encouraging States to publish assessment reports.

(c) The **Islamic State of Iraq and the Levant (ISIL) (Da'esh) and Al-Qaida Sanctions Committee** and the related Analytical Support and Sanctions Monitoring Team and Ombudsperson, perform discrete functions in relation to sanctions their integration into a different UN counter-terrorism structure would not immediately appear to confer any additional human rights advantages. Stronger attention to human rights in sanctions processes would be beneficial. For example, human rights does not appear among the extensive mandated functions of the Monitoring Team, which does not routinely report on human right matters, despite their relevance to its work. The mandate of the Ombudsperson remains insufficient to ensure that sanctions are consistent with due process and the right to effective remedies under international law (A/67/396). Implementation of the humanitarian exemption to sanctions, and to unintended or disproportionate effects of sanctions, need to be more stringently monitored and effective remedial action taken.

(d) It is important to preserve and strengthen the human rights and counter-terrorism capacities and expertise of the many **UN members of the Global Counter-Terrorism Compact**, acting in accordance with their own mandates, rather than to migrate those functions to any single, consolidated UN counter-terrorism structure. The Global Compact Working Groups, its Secretariat and UNOCT should support and supplement those in-house capacities. In areas central to their mandates, the specialised UN entities who are members or observers of the Compact must retain the lead on human rights and protection issues – for example, OHCHR on human rights, UN Women on gender, UNHCR on refugees, UNICEF on children, UNDP on development, and the Department of Peace Operations and Department of Political and Peacebuilding Affairs in their spheres of competence. The core purpose of the Global Compact and its Working Groups must be internal coordination of UN counter-terrorism activities.

(e) The 2025 evaluation of **UNOCT** by the Office of Internal Oversight Services recognized its many achievements in the short time since it was established in 2017. The evaluation also identified an overemphasis on UNOCT's own delivery of capacity building instead of coordinating UN entities to do so; concerns about the effectiveness and sustainability of such activities and related confusion around internal structures (including the UN Counter-Terrorism Centre); and an imbalanced emphasis on the security Pillars II and III of the Global Counter-Terrorism Strategy, driven partly by Member State funding. UNOCT constructively accepted all of the evaluation's recommendations. As such, it is expected that UNOCT will refocus on coordinating and supporting the UN system (including through the Global Compact), be more targeted in capacity building, to fill gaps where it brings distinct expertise; and focus more on Pillars I (conditions conducive) and IV (human rights) of the Global Strategy.

(f) **The United Nations Interregional Crime and Justice Research Institute (UNICRI)** independently conducts research on terrorism and violent extremism. Integrating this function into any programmatic UN counter-terrorism entity could risk instrumentalizing, diluting or politicizing its research, and thus undermine its objectivity and value. Consideration could be given to integrating UNICRI's other activities, such as training and capacity building on preventing and countering violent extremism, into another UN counter-terrorism entity as appropriate.

(g) Administrative efficiencies across UN counter-terrorism entities could be explored, for instance between the Security Council bodies, through the sharing of leadership and administrative and support services, thus freeing up resources for human rights.

8. Strategically position UN counter-terrorism staff and offices

Strong UN counter-terrorism and human rights presences should remain in New York, to ensure synergies with the UN's wider peace and security and political architecture. Any UN counter-terrorism entity headquarters or major offices should not be based in States that habitually violate human rights while countering terrorism, which would be likely to undermine trust in the UN's commitment to human rights. UN counter-terrorism staffing in the field should be responsive and efficient. It should leverage existing UN field presences (such as UNODC or other operational partner offices, and UN country teams), rather than establishing costly separate offices, unless there is compelling need. UN presences should prioritise geographic areas of need in terms of both counter-terrorism (including Africa) and human rights in counter-terrorism, while channelling assistance through regional organizations where appropriate (e.g. African Union).

9. Ensure the Security Council acts against violations of human rights by States while implementing Security Council resolutions

Security Council counter-terrorism measures have been often instrumentalized by governments to violate human rights. The dialogue with States by the Counter-Terrorism Committee and CTED is an important means of raising human rights concerns, along with public human rights procedures, but greater pressure is needed to change behaviour. The pervasive abuse of counter-terrorism law makes it urgent for the Security Council itself to more robustly address State violations of human rights while countering terrorism, including to prevent more terrorism being fuelled by them. The Council should actively adopt resolutions and presidential statements, consider imposing sanctions, and invite country and thematic briefings from human rights experts (including treaty bodies, the Special Rapporteur and OHCHR). The Council should also seek expert, independent human rights assessments of proposed counter-terrorism resolutions that include binding measures. The veto power must never be used to confer impunity for abuses on any State.

10. Ensure independent oversight of reformed UN counter-terrorism

Civil society and the Special Rapporteur have long called for an independent, adequately funded and sufficiently empowered human rights oversight office to monitor and evaluate human rights compliance in UN counter-terrorism activities, based on best practice national independent reviewer models. The eighth review of the Global Counter-Terrorism Strategy emphasized "the need for internal advisory or monitoring and evaluation capacity" to enhance the integration of the rule of law, human rights and gender and UN counter-terrorism efforts.

E. UN counter-terrorism programmes and activities

11. "Do no harm", including by assessing the human rights risks of UN counter-terrorism activities and embedding conditionalities

The United Nations should not provide technical assistance or capacity building which would equip States or regional organizations with new counter-terrorism powers, tools, technologies, procedures or mechanisms that would likely endanger human rights in the circumstances. The context matters, and forms of cooperation or assistance that may be appropriate for one actor could be too risky for another, particularly where a State or region lacks effective human rights protections, independent oversight and judicial safeguards, effective remedies or a rule of law culture, or is known to habitually abuse counter-terrorism laws to violate human rights. Since the UN Human Rights Due Diligence Policy does not apply beyond specified forms of security sector cooperation, rigorous human rights assessments should still be conducted when designing, implementing and monitoring activities, building in measurable human rights benchmarks and conditionalities and associated time frames.

12. Reduce funding distortions in UN counter-terrorism that could jeopardize human rights

Many UN activities are subjectively influenced by the preferences of individual donors and/or requests made by individual States, rather than by a rational and objective assessment of counter-terrorism needs and human rights risks. States should commit to regular budget funding of UN counter-terrorism activities, rather than predominantly extrabudgetary contributions, to reduce the risk to human rights posed by these distortions, and to better align activities with the balanced approach reflected in the four Pillars of the UN Global Counter-Terrorism Strategy adopted by consensus of all States. Regular budget allocations, including for human rights in counter-terrorism, should also be distributed in a balanced way across not only UN counter-terrorism bodies but other UN entities in the Global Compact.

13. Enhance information transparency

The flow of public information about UN counter-terrorism activities needs to be enhanced, to strengthen public confidence that the UN is neither complicit in nor silent about human rights violations. The eighth review of the Global Counter-Terrorism Strategy called for greater transparency in UN counter-terrorism activities. States must commit to mandatory publication of CTED country assessments on their compliance with Security Council resolutions and related human rights, refugee and humanitarian law obligations. The UN must condition assistance for developing national and regional strategies to prevent and counter terrorism and violent extremism on the publication of those strategies, and such work (including by the UN Development Programme) must be transparent and consult inclusively with other relevant UN entities and civil society.

14. Systematically engage private actors on human rights

While the UN has increasingly promoted private sector engagement in counter-terrorism, including through public-private partnerships and in the technology and travel sectors. Less attention has been given to ensuring that such private actors respect human rights, including in accordance with the UN Guiding Principles on Business and Human Rights. The UN must rigorously assess the human rights impacts of any UN activities to promote or engage with private sector actors in counter-terrorism.

F. Normative guidance in UN counter-terrorism

15. Prioritize authoritative sources of human rights law

UN counter-terrorism bodies and activities should be guided foremost by the most authoritative sources of human rights law, standards, guidance and practice, including multilateral human rights treaties, international courts (particularly the International Court of Justice and International Criminal Court), UN human rights treaty bodies, the Human Rights Council, UN special procedures and other expert mechanisms, the International Law Commission and the General Assembly (where resolutions reflect customary international law or progressive development). Authoritative guidance on refugee law should be taken from the UN High Commissioner for Refugees, on international humanitarian law from the International Committee of the Red Cross, on

criminal justice and the rule of law from UNODC, on women from UN Women, on children from UNICEF and so on. Guidance or "soft law" on human rights from other actors should never reduce standards identified by more authoritative sources of human rights law, including from the Security Council, UN counter-terrorism bodies and less participatory and representative networks (such as the Global Counter-Terrorism Forum and the Financial Action Task Force, including where these standards are subsequently referenced by the Security Council). States and regional organizations are encouraged to adequately fund standard setting on human rights by human rights, not security, bodies.

16. Define terrorism and violent extremism in a human rights-compliant manner

UN counter-terrorism activities may stimulate or enable human rights violations as long as there are no common definitions of terrorism and violent extremism to guide and limit UN technical assistance and capacity building, particularly if UN activities are shaped by rights-infringing national definitions that are vague and overbroad. UN counter-terrorism activities should be guided by best practice international standards that are consistent with human rights law, as reflected in the Special Rapporteur's model definition (A/HRC/16/51, paras. 26-28) and Security Council resolution 1566 (2004). The model definition focuses on intentionally causing death or serious injury for a specified terrorist purpose) and should be supplemented by clauses excluding: specified protest in a democratic society; humanitarian (including protection) activities by impartial organizations under international humanitarian law; and the activities of armed forces (including non-state armed groups) in armed conflict governed by humanitarian law (see here at paras. 15-17). More generally, the absence of an agreed international definition of terrorism and violent extremism remains an elementary source of serious human rights violations worldwide and impedes effective counter terrorism cooperation. The Special Rapporteur, the Secretary-General, civil society and many States have long urged agreement on definition as a priority to prevent pervasive human rights violations.

G. Conclusion

Any UN80 reforms of UN counter-terrorism should ambitiously strengthen human rights, gender equality, the rule of law and prevention, rebalance the implementation of the four Pillars under the Global Counter-Terrorism Strategy, and situate counter-terrorism within the UN's wider mission of peace and security, humanitarian action, and sustainable development.

The Special Rapporteur stands ready to provide advice or assistance to the Secretary-General, Member States and UN entities in the Global Counter-Terrorism Compact to ensure that human rights are placed at the heart of any reforms of UN counter-terrorism, in accordance with the UN's founding human rights purpose under article 1 of the UN Charter.

***

Website of the Special Rapporteur:
https://www.ohchr.org/en/special-procedures/sr-terrorism