

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Working Group on discrimination against women and girls

Ref.: AL TUR 8/2025
(Please use this reference in your reply)

7 August 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/4, 50/17, 58/14 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged increasing repression of women's rights defenders and organizations, particularly those led by Kurdish women human rights defenders. They include We Will Stop Femicide Platform; Feminist Gündem; Tarlabası Community Centre; Rosa Women's Association; and Women's Time Association.**

We Will Stop Femicide Platform (Kadın Cinayetlerini Durduracağız) works on the protection of women's rights, striving to stop femicide, end all types of women's rights violations and protect them from violence. It provides legal assistance to women seeking safety from violence, monitors and documents femicide cases, and organizes trainings and awareness-raising activities.

Feminist Gündem is a women's initiative consisting of women working in the field of culture and arts, which has been engaged in the women's rights movement since the early 1990s.

Tarlabası Community Centre is a community-based organisation that provides social, psychological and educational support to young people and women in the Istanbul neighborhood of Tarlabası, through a rights-based approach with a focus on gender equality and social inclusion.

Rosa Women's Association (Rosa Kadın Derneği) is a civil society organization focusing on women's rights, ending violence against women and eliminating all kinds of discrimination against women in Diyarbakır and the overall South-Eastern region of Türkiye. It was founded in December 2018 in Diyarbakır and is one of the few organizations in the region specifically focusing on women's rights.

Women's Time Association (Kadın Zamanı Derneği) is Istanbul-based and works on supporting and advising women exposed to gender-based violence, particularly women of ethnic minorities and Kurdish women, and raises awareness on

women's rights and women's participation in policy processes.

The repression of women human rights defenders in relation to their right to freedom of peaceful assembly has been the subject of previous communications to your Excellency's Government, including AL TUR 10/2023, sent on 27 December 2023 and to which a reply was received on 30 December 2024, as well as AL TUR 7/2021, sent on 12 May 2021 and to which a reply was received on 8 July 2021. The criminalisation of women human rights defenders and the use of Türkiye's Anti-Terror Law has been the subject of communication AL TUR 2/2023, to which a reply was received on 14 August 2023. Türkiye's Anti-Terror Law was also the subject of communication OL TUR 13/2020, sent on 26 August 2020 and to which a reply was received on 22 October 2020. We thank your Excellency's Government for its reply to these communications.

According to the information received:

In the last few years, a number of women human rights organisations have increasingly been the target of police raids, smear campaigns, judicial harassment and arbitrary detention and criminalisation. These frequently happened in the context of the often-violent intervention by security forces in annual marches held on the occasion of International Women's Day on 8 March and of the International Day for the Elimination of Violence against Women on 25 November. Security forces have closed off roads and areas designated for the marches, arrested participants, including women human rights defenders, and in some cases, subjected them to ill-treatment and the criminalization of their peaceful activities, often by resorting to Türkiye's Anti-Terror Law, particularly article 7, as well as articles 312 and 314 of the Turkish Penal Code.

Challenges to the exercise of the right to freedom of peaceful assembly

On 8 March 2022, police violently stopped women as they arrived at a ferry port in Istanbul to participate in an annual public event known as the Feminist Night March, held by women human rights defenders and LGBTI rights defenders on the occasion of International Women's Day. Forty women human rights defenders were briefly detained, accused of violating Law no. 2911 on Meetings and Demonstrations, and charged with "resisting the enforcement of duty". Their trial is ongoing, and the next hearing is set for 24 September 2025.

On 25 November 2022, police intervened in nine peaceful meetings and demonstrations across Türkiye and more than 300 women, including lawyers, journalists and women human rights defenders, were detained in Istanbul alone. They were released and no charges were brought against them.

On 8 March 2023, police arrested and handcuffed 28 people who had participated in the Feminist Night March. Five of them, including four women human rights defenders, were interrogated and then released.

On 11 October 2023, the four women human rights defenders who were briefly detained during the Feminist Night March were charged with "resisting in order

to prevent a public official from performing their duty”, based on the Turkish Penal Code, and with “participating in an unlawful assembly and demonstration” and “refusing to disperse despite warnings”, on the basis of Law no. 2911 on Meetings and Demonstrations. Their trial is ongoing in the 10th Criminal Court of First Instance of Istanbul, and if convicted, they may face up to three years in prison.

In many cases, the women detained during and after the public demonstrations held on 8 March and 25 November since 2022 were allegedly kept in poorly ventilated police vehicles for up to 24 hours. They were reportedly not provided with food or water and had no access to their lawyers.

Ahead of 8 March 2024, a ban ordered by the Istanbul authorities on all demonstrations marking International Women’s Day in downtown Istanbul was overturned by the Istanbul Regional Court of Appeals. However, the decision was not fully implemented and demonstrators continued to face forceful police interventions.

On 7 March 2025, the Istanbul authorities announced a ban for the next day on all protests in downtown Istanbul Taksim area.

On 8 March 2025, police barricades were erected in the area, two subway stations were shut, and police were deployed along main roads and side streets. Around 20,000 demonstrators, mostly women rights defenders and LGBTI defenders, gathered near Taksim Square and, at the end of the march, around 1 km away, they read out a statement. As the police dispersed the protest, they blocked the way, letting out people in single file. Around 200 participants, including human rights defenders, were encircled by police and prevented from leaving. Police arrested 112 of them, handcuffed them, reportedly subjected them to sexist insults and threats of sexual violence, and transferred them to the Istanbul Security Directorate. The detainees were reportedly denied food and water, as well as access to their lawyers for seven hours. They were accused of violating Law no. 2911 on Meetings and Demonstrations, and questioned about the slogans they had been chanting, in particular if they had used the Kurdish language slogan “Jin, Jiyan, Azadi” (“Woman, Life, Freedom”). They were released after ten hours.

Following demonstrations against the arrest of the mayor of Istanbul on 19 March 2025, the social media accounts on X of numerous civil society organizations, including women's rights groups, were reportedly suspended without any legal process. Among them, were the We Will Stop Femicide Platform and Feminist Gündem.

Dissolution, closure lawsuits targeting human rights organizations

In the past years, two prominent human rights organisations were faced with dissolution claims.

The We Will Stop Femicide Platform was the subject of a lawsuit in 2018 by the Istanbul Governorship Directorate of Associations, and in 2021 by the Istanbul Prosecution Intellectual and Property Rights Investigation Bureau on grounds that the organisation showed “illegal and immoral activities”, based on the Law on Associations.

On 8 December 2021, the Istanbul 13th Court of First Instance accepted the claim to dissolve the We Will Stop Femicide Platform, and the first hearing was held on 1 June 2022.

On 13 September 2023, the court rejected the dissolution claim. The prosecutor did not appeal the decision and the human rights organization, to date, operates normally.

The Tarlabaşı Community Centre (TCC) was the subject of a lawsuit filed on 15 October 2021 by the Istanbul governorate at the Istanbul Peace Civil Court, requesting the “declaration of its non-existence”, based on article 87.1 of the Turkish Civil Code, on grounds that the establishment of the organization was a part of a university project that had ended. TCC responded that its charter includes other unrelated activities, which had not been completed.

On 7 February 2022, the prosecution started another case before the Istanbul Court of First Instance for the dissolution of TCC on grounds of “breaching law and morality”, based on article 89 of the Turkish Civil Code, stating that “the association objectives are not compatible with the legislation and ethics”, and on the Law on Meetings and Demonstrations, claiming that TCC had become “actively against morality and law”.

On 21 February 2022, the court ordered the suspension of TCC’s activities pending investigation into its dissolution, which began one month later. TCC had to lay off its staff due to the suspension.

On 6 April 2022, the court lifted the suspension of TCC’s activities, and the organization rehired its staff.

Between March 2022 and March 2024, TCC and its members underwent a series of judicial proceedings and were subjected to other types of harassment, including investigations into two of its chairpersons; the start of a criminal case against one of its chairpersons; a series of interventions by the Ministry of Interior and the Ministry of Family and Social Policies in the two cases of “non-existence” and of dissolution; and a smear campaign by pro-government individuals and media outlets.

On 18 May 2022, the Istanbul Court of First Instance ordered expert inquiries into the two cases brought against TCC regarding its “non-existence” and dissolution. On 10 March 2023, the expert issued a report into the “non-existence” case, the findings of which were in favour of TCC. The reports

regarding the dissolution case, submitted on 6 February 2023 and 14 October 2023, allegedly did not address relevant matters related to TCC’s case specifically. The court reportedly did not request a third expert opinion and instead decided to treat the criminal proceedings as a prejudicial matter.

On 14 May 2024, the Istanbul 8th Civil Court of Peace dismissed the case of “non-existence” on grounds that although some of the activities of TCC had ceased with the end of the university project, others had not. On 12 September 2024, the Istanbul Governorate appealed the decision, and the case remains pending at the appellate court. The next hearing is expected to be on 29 September 2025.

On 8 October 2024, the local Beyoğlu municipality, with approval of the Istanbul Governorate, sealed the TCC office on grounds of “unauthorized education activities”, based on article 3 of the Private Education Institutions Law. At the time of writing, TCC has no ongoing activities, despite no final closure decision having been taken. The TCC has appealed the sealing decision.

Arrest of Kurdish women human rights defenders and other types of harassment and intimidation

Since 2020, Kurdish women’s rights defenders have been detained in different cities, many of them during and after the 8 March and 25 November demonstrations. The repeated raids and arrests were based on Türkiye’s Anti-Terror Law, which includes measures that could limit fundamental freedoms, including the rights to freedom of opinion and expression and freedom of peaceful assembly and association, and can impact the right to fair trial and the prohibition of arbitrary detention.

On 22 May 2020, prosecution authorities in Diyarbakır launched an investigation into members of the Rosa Women's Association, based on the allegation that the human rights organization had ties with the Kurdistan Workers’ Party (PKK), which is listed as a terrorist organization in Türkiye. The authorities later divided the investigation into several cases against individual members of the association. On 7 June 2020, police arrested more members of Rosa Women's Association, who were also accused of connections to “an armed terrorist group.” A number of them were released while others were convicted of “membership in a terrorist organization”.

On 16 March 2022, police in Diyarbakır raided the homes of activists and arrested a number of women, including three members of the Rosa Women's Association. They were interrogated by police at the Diyarbakır Provincial Security Directorate’s Anti-Terrorism Department regarding their role in the International Women’s Day march on 8 March 2022 and the International Day for the Elimination of Violence against Women on 25 September 2021.

Several women were reportedly ill-treated while in police custody, including through the forced taking of blood samples, and a 24-hour ban on lawyer visits was imposed, during which statements were reportedly taken under psychological pressure. They were also asked about the banners and slogans used during the demonstrations as well as the use of slogans in Kurdish language “Jin Jiyan Azadi” (“Woman, Life, Freedom”).

In February 2023, following a devastating earthquake in Southern and Central Türkiye, the Rosa Women's Association was the target of a smear campaign as a result of its voluntary activities with women and children affected by the natural disaster. A member of parliament, specifically of the Human Rights Inquiry Committee, accused the organization of being in the field “with a hidden agenda” aiming to “target children and youth” with its LGBTI rights activism, and of “corrupting young generations”.

In January 2024, a number of women’s rights activists were detained in a police operation against Women’s Time Association. They were interrogated about the activities of the association as part of a counter-terrorism investigation into the organisation. They were not allowed legal counsel for 24 hours, after which they were released without charge. One of them, Ms. Dilek Başalan, the Chairperson of the organization, has been subjected to judiciary control, including a weekly signature requirement at the Beyoğlu-Kasımpaşa police station, and a travel ban.

Without prejudging the accuracy of these allegations, we would like to express our concern about the criminalisation and harassment of women human rights defenders for exercising their right to freedom of peaceful assembly. We are alarmed by the above-mentioned restrictions to the rights to freedom of peaceful assembly and association and freedom of expression, and the chilling effect these will have on human rights defenders who wish to express themselves and demonstrate peacefully in Türkiye. We are further concerned by reports of resulting arbitrary detentions and apparently unjustified criminal charges.

We express further concern at the continued forceful interference by the police during the events described above, as well as the allegedly restricted access to lawyers during detention, an essential component of due process.

We are deeply worried about the apparent misuse of the Anti-Terror Law, particularly article 7, and the use of article 314 and 312 of the Turkish Penal Code, which carry long-term prison sentences, to categorize the above-mentioned human rights defenders and human rights organisations as members of terrorist organisations. We emphasize that counter-terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of association and peaceful assembly, including to suppress peaceful minority groups and their members (general comment No. 34). Measures to combat terrorism and preserve national security should not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights (A/HRC/RES/22/6, para. 10(a)). In this regard, we reiterate concerns raised in

communication OL TUR 13/2020 regarding vague and overbroad language contained in the Anti-Terror Law No. 3713 and the Turkish Penal Code that do not satisfy the requirement of legality under article 15 of the ICCPR and create significant risk of their misapplication to arbitrarily curtail the rights to freedom of expression, opinion, peaceful assembly and association, and freedom from arbitrary detention.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual grounds for the police operations against peaceful demonstrations, for the arrest, detention, criminalization and prosecution of human rights defenders, as well as for the dissolution suits brought against human rights organisations, including those working on the protection of women's rights. Please explain how these measures comply with articles 9, 14, 19, 21 and 22 of the ICCPR and other obligations under international human rights law.
3. Please provide information about any measures taken, or foreseen, by your Excellency's Government to urgently review the counter-terrorism normative framework in Türkiye to ensure its compliance with the State's obligations under international human rights law and as recommended in OL TUR 13/2020.
4. Please provide information on the measures taken by your Excellency's Government to ensure that human rights defenders and civil society organisations are able to carry out their peaceful and legitimate work and exercise their rights to freedom of peaceful assembly and association and freedom of expression in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that, after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

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

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above-mentioned allegations and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003, in particular its articles 9, 14, 19, 21 and 22, which guarantee the right to freedom from arbitrary detention, freedom of peaceful assembly and association, and freedom of expression.

Article 9 of the ICCPR, in its first paragraph, guarantees the right to freedom from arbitrary detention and establishes that no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as established by law. As per the jurisprudence of the Working Group on Arbitrary Detention and general comment No. 35, any detention due to the peaceful exercise of rights, including the rights to freedom of expression, freedom of assembly and freedom of association, is arbitrary.¹ The Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR, finding that deprivation of liberty due to a person's status as a human rights defender is discriminatory and therefore arbitrary. We also emphasize that the right to legal assistance at all times is inherent to the right to liberty and security of the person and to the right to a fair and public hearing by a competent, independent and impartial tribunal established by law under article 14 of the ICCPR.

We would like to remind your Excellency's Government that according to articles 21 and 22 of the ICCPR, "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." In its general comment No. 37, the Human Rights Committee underlined that the recognition of the right of peaceful assembly imposes a corresponding obligation on States Parties to respect and ensure its exercise without discrimination to facilitate the exercise of the right and to protect the participants.² It stressed that there is a presumption in favour of considering assemblies peaceful.³ The Committee also noted that prohibiting, restricting, blocking, dispersing or disrupting peaceful assemblies without compelling justification may be a violation of the negative duty imposed upon States through the obligation to respect and ensure peaceful assemblies.⁴

In her report (A/79/263), the Special Rapporteur on the rights to freedom of peaceful assembly and of association states that "among those labelled as "terrorists" and stigmatized in the name of countering terrorism and terrorist financing are human rights defenders (.), humanitarian organizations, Indigenous Peoples and land rights activists (.), peaceful protesters and journalists reporting on protests, have also been vilified by public authorities in some States as supporting "terrorism". In addition, she

¹ CCPR/C/G/35 para 17.

² CCPR/C/GC/37 para 8.

³ Ibid., para 17.

⁴ Ibid., para 23.

also highlights that “branding civil society, movements and activists as “terrorists” or “traitors” has a serious impact on their lives, well-being, family life and economic situation; it can silence them and lead to the defunding of associations and their unlawful dissolution.” Finally, in the same report she notes that “hostile and stigmatizing rhetoric against civil society and activists has a severe impact on individuals and the broader rights to freedom of peaceful assembly and of association. This rhetoric leads to sweeping restrictions, fosters baseless suspicions, undermines reputations and isolates activists from their families and communities. It imposes excessive regulations, burdensome administrative requirements and heavy sanctions while cutting off their funding. Activists also face increased intimidation, physical attacks and online harassment, including sexual and gender-based violence, especially against women. In severe cases, activists’ families, including children, may experience harassment and attacks, both online and offline.”

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and any restrictions must be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).

We would like to reiterate your Excellency’s Government of its obligation under the International Convention on the Elimination of Discrimination against Women (CEDAW) through its ratification on 20 December 1985, in particular article 7, which provides that States shall take appropriate measures to eliminate discrimination against women in the political and public life of the country.

As stressed by the Working Group on discrimination against women and girls in one of its thematic reports to the Human Rights Council (A/HRC/23/50), women human rights defenders are often the target of gender-specific violence, such as intimidation, attacks, and death threats, which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to facilitate women's participation in political and public life.

Moreover, as the Working Group on discrimination against women and girls expressed in its report on girls' and young women's activism (A/HRC/50/25), girls and young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls' and young women's human right to participate in public and political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group on discrimination against women and girls has called on States to ensure that mechanisms are in place to solicit the views of girls and young women in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

In this context, we would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would like in particular to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a), which provides for the right to meet or assemble peacefully.
- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups.
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Finally, we would like to refer your Excellency's Government to the General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9

and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders; take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses; and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly on 5 September 2006 (A/61/312), in which the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.⁵

In addition, although no universal treaty generally defines “terrorism”, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments, the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004). Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear, “best practice” guidance, by identifying conduct that is genuinely terrorist in nature and precisely defining the elements.

The principle of legal certainty under article 15(1) of the ICCPR requires that criminal laws be sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, to target civil society on political or other unjustified grounds.⁶

The many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.⁷ Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. The wholesale adoption of security and counter-terrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society.

Moreover, States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of

⁵ <https://docs.un.org/en/A/61/312> , para 98.

⁶ A/70/371, para. 46(b).

⁷ Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

society engaged in promoting and defending human rights.⁸ Any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (general comment No. 34). Counter-terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of association and peaceful assembly, including to suppress peaceful minority groups and their members (general comment No. 34).

⁸ See A/HRC/RES/22/6, para. 10(a).