



Tom Lantos Human Rights Commission

Counter-Terrorism and Human Rights: Striking the Right Balance

Tuesday, October 26, 2021

10:00 a.m. – 12:00 noon

Virtual via Cisco WebEx

As prepared for delivery

Good morning and welcome to today's important Tom Lantos Human Rights Commission hearing on the impact of counter-terrorism laws and policies on human rights.

I especially want to welcome our stellar group of witnesses, and thank them for their work to ensure that security policy is appropriately centered on human rights and respect for rule of law.

The issue of misuse of counter-terrorism measures has often come up when the Commission has looked at specific countries. Many of the prisoners of conscience whose cases are highlighted in the Commission's [Defending Freedoms Project](#) are victims of the abuse of counter-terrorism measures. But today is the first time the Commission has taken a comprehensive, global look at the problem.

In doing so, we are joining many people around the world who, 20 years after the tragic events of 9/11, are taking a fresh look at the counter-terrorism measures that were implemented in response, and asking what has been accomplished, what has been learned, and what the unintended consequences have been.

That is due in part, I think, because the threat of terrorism has persisted.

According to the [2020 Global Terrorism Index](#), although the number of deaths from terrorism has fallen over the last five years, that number is still twice as high as the number

recorded in 2001.¹ The past decade has seen the largest surge in terrorist activity in the past 50 years.²

It doesn't feel like we're winning here.

But just as concerning – even more concerning – is the cost we have paid as societies because of the way we have chosen to respond to terrorism.

The [United Nations Global Counter-Terrorism Strategy](#), adopted unanimously by the General Assembly in 2006, made a point of arguing that the protection and promotion of human rights and rule of law were essential – *essential* – to success.

The U.N. strategy didn't just casually mention the need to ensure respect for human rights and rule of law – it's one of the strategy's four pillars.

In the [resolution on the 7th review](#) of that strategy, adopted by the General Assembly last June, “human rights” is referenced 59 times in 27 pages.

Yet the reality, as we will hear today, is that the abuse of counter-terrorism measures since 9/11 has undermined respect for human rights and weakened rule of law all around the world.

In country after country, civil society activists, opposition leaders, lawyers, the media, and ethnic and religious minorities have been stigmatized and victimized by governments that conflate “terrorism” or “extremism” with peaceful activism, political dissent, religious practice or the exercise of other fundamental rights.

The problem is not limited to authoritarian regimes, although there are plenty of examples in that subset – including China, Bahrain, Saudi Arabia, Venezuela and Nicaragua.

Many regimes that claim to be democracies have also implemented measures that conflate counter-terrorism with national security, criminalize freedom of expression or association, subject citizens to intrusive surveillance, or drive non-governmental organizations out of business with intrusive financial and regulatory requirements.

That list includes Philippines, Turkey, India, Guatemala, Nigeria, Egypt, Sri Lanka, El Salvador – to name just a few.

¹ Institute for Economics and Peace, *Global Terrorism Index 2020: Measuring the Impact of Terrorism*, Sydney, Australia, November 2020, p. 12.

² *Ibid.*, p. 14.

I recently traveled to Colombia where I heard about young protesters being arrested and charged with terrorism offenses.

In the twenty years since 9/11, the international community has dramatically over-invested in counter-terrorism while under-investing in human rights, democracy and meeting people's basic needs.

I believe it's time to change course.

So I very much look forward to hearing recommendations from our witnesses on what Congress can do to ensure that the fight against terrorism is fully aligned with respect for human rights, as it was supposed to have been from the beginning.

I turn now to the Commission's Republican co-chair, Congressman Chris Smith, for his opening remarks.