

CCPCJ THEMATIC DISCUSSIONS ON THE IMPLEMENTATION OF THE KYOTO DECLARATION

THEMATIC SESSION 2: IMPROVING PRISON CONDITIONS; REDUCING REOFFENDING THROUGH REHABILITATION AND REINTEGRATION

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It is an honor and pleasure for me to speak at this important discussion on the implementation of the Kyoto Declaration. There are many essential aspects of this Thematic Session on Prison Conditions, and on Reducing Reoffending through Rehabilitation and Reintegration, that I hope to address in this short statement. First, let me just inform those who may not be aware that I am representing the Counter-Terrorism Committee Executive Directorate, or CTED. We support the United Nations Security Council's Counter-Terrorism Committee. In that capacity, there are many dimensions to the counter-terrorism challenge that we work on continually, pursuant to resolutions of the Security Council, in partnership with Member States and our crucial partners, including UNODC. One of these – which I personally consider absolutely critical – is the challenge of rehabilitating and reintegrating persons who have been convicted of terrorism-related offenses.

As the Senior Human Rights Officer at CTED, it will not surprise you to hear that I strongly endorse this event's emphasis on the UN Standard Minimum Rules for the Treatment of Prisoners, better known as the "Nelson Mandela Rules". Respecting the human rights of prisoners through ensuring humane and sanitary conditions in prisons is of course the right place to start, in States' efforts in the area of rehabilitation and reintegration. The Security Council has expressly recognized this by highlighting the Mandela Rules, for example in its pivotal resolution 2396 of 2017. Respecting human rights in prison conditions is something I am sure that all can agree on. But I would like to zoom in a bit more specifically on some specific human rights challenges related to rehabilitation and reintegration, that come up particularly in the counter-terrorism context.

Terrorist acts, by their nature, are more than terrible acts of violence – and indeed, human rights violations -- that cause the unacceptable suffering of innocent civilians, although they are certainly that. But it is essential also to recognize that they are criminal acts *committed for a purpose*, which is – as we know – is to advance an ideological or religious cause, or to compel a Government or an international organization to do something, purely as a consequence of the terror-inducing nature of the violent act. Terrorist acts are motivated by beliefs, however heinous or outrageous they might be. And as a result, the rehabilitation and reintegration of terrorist offenders is aimed quite expressly at changing these persons' beliefs -- at affecting, in a fundamental way, the way people think.

It is for this reason that the rehabilitation of terrorist offenders is a highly sensitive and complex endeavor. It touches directly upon the rights to freedom of thought, opinion, and belief. Now, a civilized society can never tolerate the advocacy of views that are intended to incite acts of terrorism, nor – in some countries around the world – is it acceptable or legally permissible to allow the justification or glorification of acts of terrorism. For this reason, States are fully justified in seeking to alter the commitment of terrorists to acts of violence, as a path toward achieving their goals. Yet it is essential, nevertheless, also to ensure that States' efforts at changing hearts and minds in the rehabilitation context do not go so far as to seek to alter people's religious faith or beliefs, their sense of cultural or ethnic identity, or indeed, their thoughts.

What rehabilitation in the counter-terrorism context must aim at is disabusing persons convicted of terrorism-related offenses from their commitment or willingness to perpetrate acts of violence in furtherance of their goals. It is also proper for States to aim to disabuse such persons of hatred or intolerance they may feel toward others. International human rights law expressly prohibits any advocacy of national, racial, or religious hatred, even as it protects the right to freedom of expression. So there are beliefs which it is right for States to seek to change, in the context of rehabilitation and reintegration. But that does not give States a license to seek to change all of a person's beliefs, because they are assessed to be a terrorist or potential terrorist. A nuanced approach is required.

Excellencies, Ladies and Gentlemen,

The high priority attached by the Security Council to the importance of States' efforts at rehabilitation and reintegration can be seen very clearly in the Council's resolutions, including 2396 as I mentioned earlier. All of us in the international community have a duty and responsibility to support the good work of States in this crucial area. At CTED, we are proud to have supported an innovative project in this area, under the leadership of UNODC's Justice Section, and with the support of the UN Office on Counter-Terrorism, as well as the European Union and the Government of the Kingdom of the Netherlands. Preventing the recurrence of acts of terrorism committed by terrorist offenders is rightly a top priority of countries all around the world, and we at CTED and the Counter-Terrorism Committee are committed to doing all we can to support multilateral efforts in this area, within a framework of respect for human rights and international law. I believe there is still much we must do identify and promote good practices, and human rights-compliant practices, in this area. That is why we welcome today's important discussion and the review of the Kyoto Declaration.

Thank you.