



52nd Session of the Human Rights Council

Item 3

**Interactive Dialogue with the Special Rapporteur on the promotion and protection of human rights
while countering terrorism**

14 March 2023

Delivered by Anna Oosterlinck, Head of UN, ARTICLE 19

Mr. President,

Madam Special Rapporteur,

ARTICLE 19 welcomes the excellent report by the Special Rapporteur on the promotion and protection of human rights while countering terrorism on the human rights implications of new technologies in the context of counter-terrorism.

Human rights belong at the heart of all Counter-Terrorism efforts, or these efforts risk exacerbating the very conditions conducive to terrorism or becoming sources of rights violations themselves.

ARTICLE 19 echoes the report's concerns on how counter-terrorism and security frequently serve as political and legal justifications to use high-risk and highly intrusive technologies – often with the promise of limited application. However, in reality these technologies are broadly used, without adequate human rights or rule of law safeguards. Human rights experts should be able to participate in crafting technology governance in companies and in governments. States need to ensure that in the development, use, governance, and transfer of these technologies, actors strictly comply with key rights such as freedom of expression, privacy and data protection, equality and non-discrimination. In addition, State regulation needs to require access to effective remedies, transparency, accountability, and human rights protection, including through impact assessments. Regarding privately developed surveillance tools, ARTICLE 19

calls for an immediate moratorium on the export, sale, transfer, use or servicing of these tools until a human rights' compliant safeguarding regime is in place.

Finally, ARTICLE 19 raises specific concern with the abuse of national security and counter-terrorism laws to restrict freedom of expression in Hong Kong where, for example, Apple Daily publisher and pro-democracy activist Jimmy Lai faces life in prison for 'collusion with foreign forces' charges under the National Security Law.

Thank you.