

Public provocation to commit terrorism offences

Roundtable of European and National Parliaments – exchange of views on the revision of the Framework Decision 2002/475/JHA on combating terrorism -Monday 7 April 2008

Amnesty International statement

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Amnesty International is concerned that the Commission proposal to introduce new offences of public provocation to commit terrorism, recruitment for terrorism and training for terrorism, does not include sufficient safeguards to ensure respect for the principle of legality and that when establishing these offences and enforcing them at the national level, member states meet their obligations to respect human rights, including the rights to freedom of expression, freedom of assembly and freedom of association.

As recognised by the Commission and the Council, the criminalisation of acts that could potentially encourage or lead to acts of terrorism carries a real risk of criminalising the right to express one's views however controversial they may appear to some. It is therefore crucial that the amendments to the Framework Decision which are proposed and adopted set clear criteria for the definition of the new offences and strong safeguards aiming to ensure that the implementation of the Framework Decision by member states does not violate or encourage violations of human rights.

Amnesty International regrets that the proposal as it stands does not meet these objectives. Amnesty International calls on the Council to ensure that they strengthen the legal framework in a way that is consistent with and reinforces member states' human rights obligations. In particular, the organisation calls for the Council to, at the very least, include in the operative part of the Framework Decision the express human rights safeguards set out in the Council of Europe Convention on the Prevention of Terrorism. The organisation also considers that the occasion of the amendment to the Framework Decision provides an important opportunity to revise other aspects which have given rise to human rights concerns, including the broad and vague definition of terrorism on which these new proposed offences are based. This will guarantee that states remain true to their stated objective and legal obligations to ensure that the measures that they take to keep us all safe from terrorism, respect international human rights, refugee and humanitarian law.