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## Council of Europe Counter-Terrorism Strategy (2018-2022)[1]

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### Council of Europe Counter-Terrorism Strategy

Terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes constitutes one of the most serious threats to international peace, security and well-being. As such, it also constitutes a major threat to the security of the approximately 820 million citizens of the member States of the Council of Europe. European States have in recent years been the targets of several deadly terrorist attacks and many more attempts to carry out such attacks. The threat member States of the Council of Europe face is multi-dimensional – from returning foreign terrorist fighters from theatres of conflict to homegrown terrorists inspired or directed to harm societies. It is a rapidly evolving threat from plots outside and within the borders of the member States as well as online. In addition to the continued threat from totemic attacks on, for example, aviation, an increase in online terrorist propaganda and material has led to vulnerable individuals self-radicalising, inspired to attack using low-sophisticated but lethal means. Though terrorism has long existed in Europe, such a sustained threat level has already had a significant adverse impact on States. Terrorism, regardless of its ideological underpinnings, jeopardises human rights, threatens democracy, undermines the rule of law and aims at destabilising legitimately constituted governments. Terrorism and the threat of terrorism can sharpen social and political divisions, weakening a pluralistic civil society through intimidation and increased polarisation.

To confront current and future terrorist threats, the member States of the Council of Europe stand united to protect the fundamental values on which our democracies are based. Building upon its decades of work in this area, the Council of Europe will continue to play a significant role in the global and regional fight against terrorism, through both

its intergovernmental co-operation mechanisms alongside standard-setting work in the form of international treaties or politically binding recommendations and guidelines.

In recent years the Council of Europe has developed a series of new legal and other standards on such issues as the criminal law response to foreign terrorist fighters, the use of special investigation techniques in terrorism cases and how to prevent attacks by "terrorists acting alone". These standards, together with the already existing body of relevant conventions, recommendations and guidelines, form the basis for the Organisation's current and future work in the field of counter-terrorism and prevention of radicalisation leading to terrorism.

The Council of Europe adds particular value to the regional and global efforts to prevent and suppress terrorism through its standard-setting activities, which aim at providing efficient human rights - and rule of law - compatible legal frameworks governing the co-operation between member States, but also through its other activities aimed at preventing radicalisation leading to terrorism and, more generally, the furthering of democracy. The Council of Europe will continue its efforts to promote its standards, both regionally and globally, in close co-operation and co-ordination with member States and other regional and global organisations, in particular the United Nations.

The establishment of the 24/7 Network for Exchange of Police Information regarding Foreign Terrorist Fighters in 2016 (based on Article 7 of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism) is another example of an activity designed specifically to assist the day-to-day co-operation between member States. Assuring the proper functioning of the Network through regular assessments and the organisation of meetings between national contact points will remain a high priority for the Council of Europe now and in the years to come.

The Council of Europe recognises that member States have the primary responsibility for preventing and combating terrorism. To support these efforts, the Council of Europe works to promote international co-operation and co-ordination, to provide a platform to discuss and elaborate means to prevent and combat terrorism, and also ensure that all counter-terrorism measures accordingly respect human rights, the rule of law and democracy. This approach is vital in order to safeguard our basic values and help guarantee that action against terrorism is considered legitimate while also providing a truly effective bulwark against terrorism. Furthermore, the Council of Europe may provide a forum for public-private co-operation, where necessary and appropriate.

In order to contribute to the international efforts aimed at countering the threat of terrorism and bearing in mind the need to further strengthen counter-terrorism measures collectively taken by member States, the Committee of Ministers of the Council of Europe has tasked the Council of Europe Committee on Counter-Terrorism (hereinafter CDCT) to draw up the Council of Europe Counter-Terrorism Strategy (hereinafter the Strategy).

The CDCT is the steering committee tasked by the Committee of Ministers with overseeing and co-ordinating the Council of Europe's counter-terrorism action. The CDCT provides a forum to deliberate pan-European counter-terrorism and prevention policies, draft legally binding and non-binding instruments, and exchange information between member States on their national legislations and policies.

### Objectives

The aims of the Strategy can be summarised as "the three P's": Prevention, Prosecution and Protection. Together the member States and the Council of Europe aim to:

- **prevent** terrorism: both through criminal law and law enforcement measures aimed at disrupting terrorist attacks or their preparation and through multifaceted longer-term measures aiming at preventing radicalisation leading to terrorism, including countering recruitment, training, the dissemination of terrorist ideology and the financing of terrorism;
- **prosecute** terrorists: ensuring that terrorist offences committed in Europe or abroad are investigated in the most efficient and quickest possible manner, also through effective judicial and international co-operation including the principle of *aut dedere aut iudicare*<sup>[2]</sup> and that those responsible are brought to justice and answer for their acts, in respect of human rights and the rule of law;
- **protect** all persons present on the territories of the member States against terrorism, providing for the security of the people and the protection of potential targets of terrorist attacks, including critical infrastructures and public spaces; provide assistance and offer support to victims of terrorism.

In line with this thinking, the CDCT has identified three thematic strands, corresponding to the three P's, each containing concrete activities to be undertaken by member States in the framework of the Council of Europe in the period 2018 – 2022 in order to further improve their ability to prevent and combat terrorism while respecting human rights, the rule of law and democracy. Each of the strands and accompanying activities have been identified by member States as being of particular use to them and of particular relevance to the Council of Europe's mandate. They are as follows:

- Prevention,
- Prosecution,
- Protection.

The strands and the list of activities are set out in detail in the Annex to this Strategy. In order for the Strategy to remain a living instrument, it will be reviewed every 18 months, or as appropriate, with the possibility of adjustments under the guidance of member States, thereby ensuring that it remains fit for purpose and takes into account any new developments in terrorist threats and the relevant work of international organisations and *fora* involved. The Committee of Ministers will be kept informed about progress in its implementation annually.

The CDCT remains committed to the full implementation of the Strategy by 2022. As some of the activities of the Strategy are time-sensitive in nature they should be implemented as soon as practicable, while other activities may be reserved for a later stage of the implementation of the Strategy. The decisions regarding the prioritisation of the activities of the Strategy will be taken regularly by the CDCT as part of its deliberations on the planning of its work.

In its work, the CDCT will take into account the human rights and rule of law standards of the Council of Europe, the relevant jurisprudence of the European Court of Human Rights, as well as the work and the best practices of member States and other international organisations and initiatives.

### **Co-operation and co-ordination**

Terrorism is a global problem and can only be efficiently countered through increased co-operation and co-ordination, not only within and between member States, but also between the various organisations and *fora* involved. Moreover, the Council of Europe should continue working closely with States in other regions affected by terrorism, in particular those bordering on its member States, where appropriate.

To accomplish these strategic goals, the CDCT looks forward to working with its partners at global and regional levels as well as with member States and other interested States. At the global level, the Council of Europe remains fully committed to the stated aim of the United Nations to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is effectively brought to justice.

To this end, the Council of Europe co-ordinates and co-operates with all relevant United Nations bodies and agencies and, in particular, with the Counter Terrorism Committee (CTC) and its Executive Directorate (CTED) and the United Nations Office of Counter-Terrorism (OCT), to assist in the proper implementation at regional level of the United Nations Global Counter-Terrorism Strategy and relevant resolutions adopted by the United Nations Security Council. Where useful, the Council of Europe will also make available its standards as an inspiration for States and regional organisations in other parts of the world.

Co-ordinating activities with these and other partners, building on each other's work and avoiding unnecessary duplication, is a clear priority in order for the Council of Europe to add value to the global efforts to prevent and combat terrorism. As such, it is of crucial importance that counter-terrorism activities undertaken in the frameworks of other global and regional intergovernmental and supranational organisations and *fora* are duly taken into account, especially those partners which also enjoy the status of "Participants" to the CDCT, including the United Nations, the European Union (EU), the Commonwealth of Independent States, the International Criminal Police Organization (CPO-INTERPOL), the Organization for Security and Co-operation in Europe (OSCE), the Organization of American States (OAS), the International Committee of the Red Cross (ICRC) and the Global Counterterrorism Forum (GCTF).

### **Annex to the Strategy**

#### **Strands**

##### 1. Prevention

*The prevention of terrorism relates to not just preventing specific terrorist attacks and incidents, but also to factors conducive to terrorism. In line with Article 3 of the Council of Europe Convention on the Prevention of Terrorism, prevention programmes and policies need to take into account the roles and responsibilities of many actors from all sectors of society, not just law enforcement authorities and other bodies, but also those at all levels in fields such as youth work, social services and education among others. These prevention policies and programmes should include, as a contributing element, an understanding of the processes conducive to radicalisation leading to terrorism, as well as understanding how those individuals behave and act prior to committing a terrorist offence. Prevention activities should be designed and conducted with full respect to fundamental principles of non-discrimination. As such, the Council of Europe seeks to facilitate the sharing of experience and best practices in relation to practical tools and means of assessment to assist qualified practitioners to determine whether radicalised individuals pose a threat to society, as well as help law enforcement authorities when taking action to disrupt, interdict, deradicalise and disengage terrorist actors. Due to their omnipresence, modern internet and*

*communications technology are practically used by all terrorist actors for either recruitment, training, radicalisation, public provocation, propaganda or in order to plan, prepare and execute an attack. Consequently the Council of Europe is working to help improve co-operation between law enforcement and the private sector to prevent terrorists abusing vital online platforms, including social media, while ensuring adequate safeguards are in place for principles such as freedom of expression.*

### **1.1 Preventing and countering terrorist public provocation, propaganda, radicalisation, recruitment and training**

**Activity:** guidance for member States on programmes and other national measures to prevent public provocation, propaganda, recruitment, training and radicalisation leading to terrorism and to ensure that member States remain ahead of the evolving threat.

**Reasons:** radicalisation leading to terrorism is a multidimensional phenomenon that can vary greatly between individuals and communities, depending on psychological and behavioural aspects in combination with ideological, religious or political influences, as well as certain local, national and global contexts. While there is a great deal of academic research conducted on radicalisation leading to terrorism, the complexity and sensitivity of the matter can make it difficult for policy makers to design and implement prevention programmes. Bridging the gap between the data, research and analysis and consequent policy options to deal with radicalisation issues continues to be a challenge for member States, and one where the Council of Europe has regularly played a role in helping to facilitate dialogue, information sharing and policy guidance.

**Working methods:** working group bringing together representatives of member States, practitioners in the area of preventing terrorism, civil society groups, academics and researchers, and international partners, as appropriate.

**Expected Outcomes/Outputs:** practical policy guidelines and/or recommendations on improving or developing national measures to prevent radicalisation leading to terrorism.

**Responsible Committees:** the CDCT, and other relevant Council of Europe bodies.

### **1.2 Preventing and countering terrorist public provocation, propaganda, radicalisation, recruitment and training on the internet**

**Activity:** compilation of best practices on how to prevent and counter terrorist public provocation, propaganda, radicalisation, recruitment and training on the internet, while respecting human rights and fundamental freedoms, the rule of law and democracy.

**Reasons:** terrorists use the internet, in particular social media platforms in new ways, which present a challenge for law enforcement and counter-terrorism and other relevant State agencies. The development of a comprehensive overview of the means and methods member States are using to combat terrorists' misuse of internet services is crucial. It is also of great importance to promote responsible conduct for the media and internet service providers and other relevant actors in order not to allow the spread of terrorism and its ideology. Establishing a compilation of best practices based on States' experience will be useful for developing the preventive work further. Any measures taken to remove or restrict access to illegal content must be done in full respect for the human rights and fundamental freedoms, the rule of law and democracy, particularly in relation to the principles and norms relating to the freedom of expression, as often recalled by the European Court of Human Rights in its case-law. As relevant private sector actors have a fundamental role to play in this process, including technology and social media companies, the Council of Europe supports several initiatives and research programmes in this area. On 8 November 2017, Council of Europe Secretary General Thorbjørn Jagland signed initial partnership agreements – in the form of an exchange of letters – with representatives of ten leading technology firms and six associations. This partnership enables companies to participate in an array of intergovernmental activities and related work of the Council of Europe and to sit side-by-side with governments when shaping internet policy. Concrete areas of co-operation may include also the use of the internet for terrorist purposes.

**Working methods:** a group of experts appointed by member States, assisted by academic experts and in close co-operation with representatives of the aforementioned internet companies, will be set up to analyse and compile relevant information collected from member States. To ensure that these processes do not duplicate other activities at the global level, the work will be carried out in parallel with the Council of Europe's implementation of the United Nations Security Council Resolutions 1624 and 2354, and also taking due consideration of existing documentation and work, such as the Global Counterterrorism Forum (GCTF) Zurich-London Recommendations on Preventing and Countering Violent Extremism and Terrorism Online and the relevant EU actions.

**Expected Outcomes/Outputs:** the outcome of this exercise will result in a comprehensive document providing guidance on best practices to prevent and combat terrorist provocation, propaganda, recruitment, training etc. on the internet, including social media platforms. If deemed necessary, the group of experts will also consider the

opportunity to draft a recommendation or, alternatively, guidelines.

**Responsible Committees:** a group of experts, acting under the aegis of the CDCT, will be set up to respond more efficiently to the specific technical issues to be dealt with. The CDCT will deal with this issue in co-operation with the Steering Committee on Media and Information Society (CDMSI), the Steering Committee for Human Rights (CDDH) and the Cybercrime Convention Committee (T-CY).

### 1.3 Set of indicators for assessing the risk that a terrorist attack may be carried out by radicalised individuals

**Activity:** establishing a set of risk indicators for identifying individuals likely to become “terrorists acting alone”.

**Reasons:** a number of terrorist attacks have been committed in Europe by individuals acting on their own, the so-called “terrorists acting alone”. While each individual's path to radicalisation is personal, once radicalised they generally attempt to avoid the involvement of, and communication with, a larger circle of persons in the preparation and execution of the attack, thereby making it even more difficult for the competent authorities to detect them in time. In many cases, these individuals were in fact known to the authorities as radicalised persons, but were not considered potential terrorists who would constitute an immediate danger to the public security. Establishing a set of risk indicators could help member States in the timely identification of those individuals likely to engage in terrorism due to their ideological commitment to a cause, psychological or behavioural aspects, or other relevant driving factors in line with the recommendation of the Committee of Ministers on Terrorists Acting Alone.

**Working methods:** a group of experts appointed by member States and assisted by academic experts will share risk assessment tools and best practises.

**Expected Outcomes/Outputs:** a comprehensive set of indicators for relevant practitioners in the member States.

**Responsible Committee:** the CDCT.

### 1.4 Awareness-raising on radicalisation and other preventive measures among frontline practitioners, in particular in schools

**Activity:** organise events, such as seminars and workshops, with the aim to develop suitable guidelines on practical policies and strategies to raise awareness of, and to improve resilience to, radicalisation leading to terrorism and to prevent it.

**Reasons:** policies or strategies should include practical knowledge of how to prevent radicalisation leading to terrorism and also the possible signals which could be given by individuals at risk. Different professionals, in particular in schools but also in youth-, sports- and community centers and in health care should have sufficient knowledge and effective tools to actively work with preventive measures within their area of responsibilities. Bringing together the latest research on legal and policy options and best practices, the Council of Europe should facilitate member States in the development of effective means to promote or conduct awareness-raising campaigns, in particular in schools, sport and community centres.

**Working methods:** the Council of Europe will organise a number of events (seminar, workshops) gathering together experts in this field with the purpose of drafting guidelines for relevant practitioners, for instance, on media literacy and online safety in order to recognise propaganda, fake news and conspiracy theories. The private sector, media, local and religious community and civil society should be involved. This will be conducted without prejudice to the Council of Europe Handbook for Prison and Probation Services regarding Radicalisation and Violent Extremism.

**Expected Outcomes/Outputs:** guidelines, or other appropriate tools, for practitioners.

**Responsible Committees:** the CDCT in co-operation with the CDDH and relevant departments of the Directorate General of Democracy (DGII).

### 1.5 Financing of terrorism

**Activity:** examining the need for updating Council of Europe legal instruments pertaining to the financing of terrorism, including the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.

**Reasons:** combatting and disrupting terrorist financing effectively are important features in the overall strategy of the Council of Europe to fight terrorism. The 2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) covers prevention, suppression of offences of money laundering and international co-operation in anti-money laundering and confiscation. The Convention also includes provisions concerning the financing of terrorism. However, large terrorist organisations, as well as foreign terrorist fighters and small terrorist cells, continuously adapt their financing methods, trends and techniques to ensure their capability to prepare or carry out attacks. Since other issues have arisen or significantly evolved since the adoption of the 2005 Convention, the text could be modernised and updated.

**Working methods:** the Council of Europe will examine the need for updating legal instruments pertaining to the financing of terrorism, including Convention CETS No. 198. The report will take into due consideration relevant instruments already adopted in the field, including the Recommendations of the Financial Action Task Force (FATF).

**Expected Outcomes/Outputs:** to present a report including possible proposals for new provisions to be included in the Convention or in other Council of Europe instruments.

**Responsible Committees:** the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), in close collaboration with the CDCT.

## 2. Prosecution

*The investigation and prosecution of suspected terrorism offences with or without a transnational element can be a complicated and difficult set of tasks. It is, however, necessary to bring suspected terrorists to justice and guarantee that they answer for their crimes, thus, ensuring liability and fighting the impunity, in full observance of the rule of law. Facilitating international co-operation in criminal matters is a core feature of this process, as the Council of Europe has worked to provide a platform for relevant national practitioners to discuss their experiences while also seeking ways to build national capacity to combat terrorist activity. Promoting effective and practical co-operation is crucial in relation to matters such as evidence collection, special investigative techniques, and cross-border joint investigation teams. The Organisation also works to ensure the correct implementation of legal instruments which provide a legal basis for effective mutual legal assistance, including exchange of information and material relevant to criminal trials.*

### 2.1 Gathering of evidence from conflict zones for the purpose of criminal prosecution

**Activity:** identify best practices and elaborate a recommendation, or guidelines, on the gathering of evidence from conflict zones for the purpose of criminal prosecution for terrorism offences.

**Reasons:** in order to efficiently handle criminal proceedings concerning returned foreign terrorist fighters for terrorist offences perpetrated in a conflict zone (such as, but not limited to, Iraq and Syria), it is of key importance that evidence, which can be presented in court during a criminal trial, is gathered in accordance with the principle of the rule of law and – where possible – *in situ*. This poses particular problems to the competent national authorities of member States, and other relevant international *fora*, tasked with the investigation and prosecution of such cases, particularly due to the often very limited access investigators can have to potential crime scenes in conflict zones, as well as concerning the enforcement of procedures for properly gathering and handling forensic and other types of evidence of terrorist offences during or after combat situations. It is also necessary to further reflect on how the evidence collected by intelligence and military services can be legally integrated in judicial proceedings. The Council of Europe is particularly well-suited to provide assistance to member States on how to ensure both these important aspects of the fair trial principle and that terrorists are, whenever possible, brought to justice. One of the aspects is relevant applicable law. Practical solutions to the above mentioned challenges should be in line with applicable international treaties and national laws, in particular the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, relevant United Nations Security Council Resolutions, and national laws of the member States.

**Working methods:** a working group of specialised national experts will be set up by the CDCT to exchange best practices and information for the purposes of preparing a draft recommendation or draft guidelines. The previous and current work carried out by, amongst others, CTED, GCTF, INTERPOL and international criminal tribunals operating in this field will be taken into due consideration.

**Expected Outcomes/Outputs:** a recommendation or, alternatively, guidelines will be elaborated on the gathering of forensic and other types of criminal evidence.

**Responsible Committee:** the CDCT.

### 2.2 Gathering of e-evidence in terrorism related cases

**Activity:** developing guidelines, for the gathering of e-evidence on the internet for the purpose of prosecution of suspected terrorists.

**Reasons:** investigation and prosecution of suspected terrorists is often dependent on the use of criminal evidence obtained from various websites and social media platforms. The current rules governing the jurisdiction of States with regard to the internet means that most member States have to request mutual legal assistance from other States in order to obtain such evidence. The Committee of the Parties to the Cybercrime (Budapest) Convention (ETS No. 185) has already produced a so-called guidance note on the application of the Cybercrime Convention to terrorism cases

and is also working on criminal justice access to data in the Cloud. There are also other relevant international initiatives in this field, in particular in the United Nations framework. A set of guidelines focusing on issues related to cyber-investigations of suspected terrorists may be useful for member States.

**Working methods:** information on how member States gather evidence on the internet should be collected. On the basis of this material, a group of experts appointed by member States and representatives of the internet companies will identify and analyse existing guidelines and legal framework regarding electronic evidence.

**Expected Outcomes/Outputs:** a set of guidelines.

**Responsible Committees:** the CDCT in close co-operation with the T-CY.

### 2.3 The conduct of criminal trials against, and the prosecution of, foreign terrorist fighters, including returnees and relocators

**Activity:** preparing and holding a workshop for judges and prosecutors dealing with relevant foreign terrorist fighter cases in the member States.

**Reasons:** member States are facing the issue of how best to conduct criminal trials and prosecute alleged foreign terrorist fighters, including those returning from conflict zones. Holding a seminar for judicial practitioners involved in these cases will enable them to share viewpoints and ideas, and identify a set of pan-European best practices.

**Working methods:** the workshop will provide the platform to draw on relevant experiences and case-law from trials that have already taken place, enabling the participants to exchange experiences and identify best practices for conducting trials against and prosecuting alleged foreign terrorist fighters, including returnees.

**Expected Outcomes/Outputs:** a compilation of best practices in members States relating to the most recent case-law on foreign terrorist fighters, including returnees and relocators.

**Responsible Committees:** the CDCT and the European Committee on Crime Problems (CDPC).

### 2.4 Mutual legal assistance in criminal matters, extradition and the use of joint investigative teams in relation to terrorism

**Activity:** developing and implementing a project to encourage member States to make better and more efficient use of existing Council of Europe standards on mutual legal assistance, extradition and Joint Investigation Teams (JITs) in cases concerning terrorism as well as to consider improving those standards taking into account the various terrorist threats.

**Reasons:** the transnational nature of certain manifestations of terrorism necessitates that member States make the most efficient use of existing Council of Europe (and other) standards on mutual legal assistance in criminal matters, extradition and joint investigation teams, also in line with United Nations Security Council Resolution 2322 (December 2016). Improve international co-operation in criminal matters is vital so as to avoid impunity, for example by considering the removal of obstacles to extradition by effectively implementing the principle of *aut dedere aut iudicare* and by promoting the transfer of criminal proceedings to the requested state where extradition cannot be granted for reasons of nationality and by improving the co-operation between the national authorities of requested States dealing with requests for extradition and asylum so as to accelerate procedures and avoid abuse of the asylum system.

**Working methods:** a conference with the participation of relevant actors from member States (judges, prosecutors, police officers, representatives from ministries of Justice and Interior and other relevant authorities) is organised and a study by independent academic experts supported by experts appointed by member States is realised. Representatives of the EUROJUST Network of National Experts on Joint Investigation Teams (JITs Network) will be invited to actively participate in the elaboration and implementation of this project.

**Expected Outcomes/Outputs:** the conference will identify pragmatic solutions to improve the use of existing Council of Europe standards and the Joint Investigative Teams at the Council of Europe level in the investigation, extradition and prosecution of terrorists, taking due account of national legislations of member States.

**Responsible Committees:** the CDCT, the CDPC and the Committee on the Operation of Conventions on Co-Operation in Criminal Matters (PC-OC).

### 2.5 Terrorism and organised crime

**Activity:** joint working group on terrorism and transnational organised crime.

**Reasons:** following up on the outcomes of the 2<sup>nd</sup> Malaga Conference on Terrorism and Organised Crime in September 2017, this activity foresees the CDCT and CDPC looking at a cross-disciplinary working group to examine ways to improve the investigation and prosecution of both areas of crime. The Malaga Conference on terrorism and transnational organised crime concluded that there appears to be “no structural and systematic connection or shared strategies between terrorism and organised crime. Terrorism and organised crime pursue different objectives; the main links between the two are of a logistical nature: supply of arms, producing explosive devices, recruitment” as well

as enablers of travel without detection e.g. false IDs, trafficking networks. Where such a connection does exist, it tends to be of an opportunistic nature and terrorists and "normal" criminals work together on an ad-hoc basis, for instance in the supply and purchase of illicit weapons for the purpose of conducting terrorist attacks. As such, it could be of benefit to member States to examine and share effective practices to monitor, survey, disrupt and interdict opportunistic collaboration between organised crime and terrorist actors, particularly in high-risk areas, such as the illicit trade in arms and explosives, financing of terrorism through smuggling of drugs, cultural property and trafficking in human beings, including where such activities take place on the internet and the so-called "dark web". Furthermore, as there have been a number of terrorist actors recruited from criminal gangs or the criminal milieu, for the purposes of preventing radicalisation leading to terrorism, identifying certain populations at risk of recruitment, such as organised criminals, prisoners and prison gangs and ex-convicts, may be of benefit to efforts to combat both organised crime and terrorism.

**Working methods:** a multidisciplinary working group composed of national experts from the member States and international partners of the Council of Europe in the fight against terrorism and organised crime is to be established.

**Expected Outcomes/Outputs:** the output of the working group is to provide to relevant and competent national authorities dealing with organised crime and terrorism guidelines on common approaches to investigate and prosecute transnational organised crime and terrorism. These should draw on existing guidelines or work of other international organisations.

**Responsible Committees:** the CDCT and the CDPC.

### 3. Protection

*Protecting citizens from the harmful effects of terrorism is a priority for the Council of Europe. This entails that society as a whole must be protected from terrorist violence, and also must be ensured that the immediate victims of terrorism are given appropriate assistance and care. The aim of these activities is ensuring that where terrorist attacks are carried out, there are plans in place to mitigate the harmful consequences to victims and affected populations. Providing adequate plans for assistance and compensation for the victims of terrorism, committed at home and abroad, can be a difficult process and it is important to continue efforts to reduce the suffering of such victims. Threat analysis and assessment, radicalisation, the process by which individuals become increasingly likely to partake in terrorist activity or to provide support to terrorist actors must be clearly understood and comprehensively and effectively dealt with in national, local and even individual contexts. Furthermore, adequately understanding and dealing with the gender and children dimensions of terrorism remains a continued priority for the Council of Europe.*

#### 3.1 Collection of best practices with regard to de-radicalisation, disengagement and social reintegration

**Activity:** collection of best practices on de-radicalisation, disengagement and social reintegration, with a view to draft a recommendation.

**Reasons:** member States may benefit from the establishment of disengagement and de-radicalisation programs for vulnerable individuals at risk of being recruited for terrorism. Without prejudice to criminal law procedures, member States should also consider establishing de-radicalisation programs specifically tailored to the situation of returning foreign terrorist fighters. Appropriate reintegration programmes for de-radicalised individuals and individuals who have disengaged from terrorism should also be implemented. Where appropriate, such programs should involve family members as well as academic experts, civil society, religious and community leaders. Special consideration should be given to the particular needs of minors and individuals otherwise deemed vulnerable.

**Working methods:** a group of experts appointed by member States, assisted by academic experts, will collect information from member States to be analysed and compiled in a document containing best practices. The previous and current work carried out by other relevant organisations and *fora* operating in this field will be taken into due consideration.

**Expected Outcomes/Outputs:** the document will compile the experiences of States that have already established de-radicalisation, disengagement and reintegration programmes, and will further assess their proven impact and identify possible ways of improvement. The outcome will serve as a basis for the drafting of a recommendation.

**Responsible Committees:** The CDCT will work in co-operation with the CDPC, the Council for Penological Co-operation (PC-CP) and relevant departments of the DG II.

#### 3.2 Risk assessment of individuals indicted and convicted for terrorist offences

**Activity:** work on the risk assessment of individuals indicted and convicted for terrorist offences.



**Reasons:** risk assessment procedures focusing on individuals indicted and convicted for terrorist offences can be useful for the cost-effective use of resources to counter terrorism efforts as well as reintegration in line with United Nations Security Council resolution 2396 (2017), and Recommendation CM/Rec(2014)3 of the Committee of Ministers to member States concerning dangerous offenders.

**Working methods:** on the basis of Recommendation CM/Rec(2014)3 and United Nations Security Council resolution 2396, the Council of Europe will draft a new recommendation specifically dealing with terrorists and members of organised crime groups. The recommendation will also enable the development of tailored strategies to address and counter terrorist narratives within the prison system, adopting both a gender and a youth-sensitive approach.

**Expected Outcomes/Outputs:** a recommendation providing guidance on the risk assessment of individuals indicted and convicted for terrorist offences, identifying what factors are related to the level of risk posed and designing, or adapting, appropriate risk assessment tools.

**Responsible Committees:** the CDCT, the CDPC and the PC-CP.

### 3.3 Victims of terrorism

**Activity:** providing guidance on the administration and management of assistance to nationals of Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) who become victims of terrorist attacks perpetrated outside of the territories of their own States.

**Reasons:** member States' efforts to increase security and more effectively combat terrorist organisations should be accompanied by better co-ordinated assistance to victims of attacks. The Convention on the Prevention of Terrorism contains a provision, Article 13, regarding their protection and compensation. It establishes that measures "to protect and support the victims of terrorism that has been committed within a Party's own territory" may include "*inter alia*, financial assistance and compensation for victims of terrorism and their close family members." However, as this provision is intended to apply only to victims within a Party's territory, the fact that terrorist attacks aimed at nationals of Parties to the Convention are likely to take place also outside of Europe requires that victims' assistance be given an international dimension, as already pointed out by the Parties to the Convention.

**Working methods:** on the basis of information collected from the member States, a study examining how cases relating to victims of terrorist attacks, particularly those with transnational dimensions, are handled will be commissioned.

**Expected Outcomes/Outputs:** the study will aim at identifying best practices for member States to handle these issues and, on the basis of the study, the drafting of a recommendation or guidelines could be envisaged.

**Responsible Committees:** the CDCT in co-operation with the CDPC and the CDDH.

### 3.4 Identification of emerging terrorist threats

**Activity:** commission a study identifying emerging terrorist threats in Europe.

**Reasons:** in order to remain able to respond to emerging threats of terrorism in Europe, the deliberations of the CDCT would be informed by a study on emerging terrorist trends and groups, both globally and regionally in Europe and neighbouring States.

**Working methods:** the study will be conducted by academic experts, supported by experts appointed by member States, and focus on emerging global terrorist trends.

**Expected Outcomes/Outputs:** a comprehensive study of emerging terrorist threats will help member States and the Council of Europe in preparing timely counter-measures.

**Responsible Committee:** the CDCT.

### 3.5 The roles of women and children in terrorism

**Activity:** organisation of an international conference focusing on the questions and challenges arising from the return to Europe of women and children having been involved with a terrorist organisation abroad.

**Reasons:** in recent years an increasing number of women have decided to leave their country to voluntarily join terrorist organisations and offer their services. Though children are mostly to be considered as victims, some have been involved in terrorist crimes, and terrorist organisations have systematically provided them with ideological indoctrination. Although these phenomena are common to a series of terrorist groups, the current return of women and children from Daesh-controlled areas affects a significant number of Council of Europe member States. In this context, member States have so far adopted different criminal and non-criminal law responses to the situations of women and children involved in the operation and functioning of terrorist organisations and often the gender and

child dimensions have been overlooked in counter-terrorism policies and practices. Taking into due account gender and child-sensitive considerations is key to the formulation and implementation of adequate and effective prevention strategies, criminal justice measures, disengagement and social reintegration programmes.

**Working methods:** the conference should focus on the roles played by women and children in terrorist organisations, with a special focus on the role played by women and children returnees in terrorism. Providing a comprehensive overview would be useful for future pan-European policy-making in this field. The previous and current work carried out by the United Nations Office on Drugs and Crime (UNODC), the Radicalisation Awareness Network (RAN), the GCTF and the OSCE in this field will be duly taken into consideration.

**Expected Outcomes/Outputs:** the conference will provide a suitable platform for high-quality information exchange and awareness-raising on the subject. A follow-up to the conference should also be considered on the basis of the conclusions reached.

**Responsible Committees:** the CDCT in co-operation with the CDPC and relevant departments of the DGII, including the Gender Equality Commission (GEC).

### 3.6 Law enforcement and emergency services responses during and in the immediate aftermath of terrorist attacks

**Activity:** an exchange of experiences and best practices for law enforcement and emergency services during and in the immediate aftermath of terrorist attacks.

**Reasons:** terrorist incidents are extremely complicated phenomena, often entailing immediate and decisive action by a number of public services, law enforcement entities, and emergency response units. In order to ensure the protection of citizens in the affected areas, a well-coordinated response is highly desirable to ensure that the incident can be dealt with rapidly and that any victims can be appropriately cared for and managed. In order to ensure that national and local authorities are equipped with the means to respond effectively and efficiently to potential multiple or mass casualty incidents, including CBRN (“chemical, biological, radiological and nuclear”) attacks, in a member State, emergency management may require the development of complex and adaptable plans. These plans may help outline and establish the key roles and responsibilities of relevant actors and agencies, reducing co-ordination problems, and ensuring that emergency services are well-coordinated to provide the necessary information, care and assistance to members of the public directly or indirectly affected by the attack. Drawing from the recent experience of member States that have had to respond to such terrorist incidents, as a preliminary task, the Council of Europe could host seminars and information exchange sessions in order to determine whether further guidelines or documents would be necessary.

**Working methods:** bringing together a number of relevant authorities and key figures responsible for the development of emergency response plans, co-ordination of emergency services (such as first responders or hospital managers) and law enforcement agencies, as well as those responsible for press relations and public information during terrorist incidents. The previous and current work carried out by relevant international organisations and *fora* in this field will be taken into due consideration with a view to avoiding duplication.

**Expected Outcomes/Outputs:** exchange of experiences on the subject, followed by guidelines or manuals, as appropriate.

**Responsible Committees:** the CDCT.

[1] Approved by the Committee of Ministers at the 1321<sup>st</sup> meeting of the Ministers' Deputies (4 July 2018, CM/Del/Dec(2018)1321/10.1).

[2] “*Aut dedere aut iudicare*”: legal principle requiring States to extradite or to prosecute a person sought by another State in order to avoid impunity for serious crimes.

## Related documents

### Committee of Ministers; Council of Europe

**CM/Del/Dec(2018)1321/10.1** / 04 July 2018 / English / CM-Public

Council of Europe Committee on Counter-Terrorism (CDCT) - a. Abridged report of the 1st plenary session (Strasbourg, 16-18 May 2018) - b. Council of Europe Counter-Terrorism Strategy (2018-2022)

**CM(2018)86** / 01 June 2018 / English / CM-Public

Comité du Conseil de l'Europe de lutte contre le terrorisme (CDCT) - a. Abridged report of the 1st plenary session (Strasbourg, 16-18 May 2018) [1321 meeting]