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Introduction

Terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security of citizens. To counter this threat the Council of Europe has for decades been engaged in developing relevant standards in this area, building capacities through peer-exchanges and fostering cross-border co-operation. It does so through the Council of Europe Committee on Counter-Terrorism (CDCT), a 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 regional counter-terrorism policies, draft legally binding and non-binding instruments, and exchange information between member States on their national legislations and policies.

In order to contribute to the international efforts aimed at countering the threat of terrorism, the Committee of Ministers of the Council of Europe asked the CDCT to prepare a Council of Europe Counter-Terrorism Strategy (2018-2022). This new Counter-Terrorism Strategy for 2023-2027 directly follows the previous Strategy and its associated activities. Work began on the new Strategy in March 2022 and finished with its approval by the CDCT at its 9th Plenary session in December 2022.

Background to the new Strategy

The changing terrorism landscape in Europe

Terrorism continues to be one of the most serious threats to international peace, security and well-being of citizens in Europe. Recent years have seen a shift in the terrorist landscape, characterised mainly by a diversification in the sources of terrorist threats and changes in terrorist *modus operandi*.

According to the CDCT Report on Emerging Terrorist Threats (2022, hereafter "ETT Report"), Europe has, in recent years, largely been affected by a phenomenon known as post-organisational terrorism, characterised by the rise of loose networks, small cells and lone actors who, while adhering to the ideas of groups or networks, might not have any known affiliation to them. In some instances, this disassociation may represent a deliberate tactic of terrorist organisations to reduce the chances of being detected by relevant national authorities. Tactically complex attacks perpetrated or directed by ISIL(Daesh) and Al Qaeda have waned, largely as a result of its territorial losses in the Middle East, limiting its capacity to receive and train Europeans to be sent back to their countries to carry out tactically complex attacks. It has been replaced by ISIL(Daesh) and Al Qaeda inspired attacks, perpetrated by radicalised lone actors and committed in the name of extremist ideologies that are not linked to ISIL(Daesh) or Al Qaeda (e.g. Conflans Sainte-Honorine attack, second attack on Charlie Hebdo).

Europe has at the same time witnessed a rise of violent far-right[1] attacks driven by different associated ideologies, such as great replacement theory, white supremacy, racism, nativism and hostility to immigrants. Largely facilitated by online communications platforms, far-right terrorism has become increasingly transnational, without clearly defined lines of co-operation among individuals across countries in Europe and with like-minded groups and individuals in other continents. There is a need to further look into the political, social and economic factors, the nature of movements and technology in this space as possible drivers of far-right terrorism.

Even though the threat of far-left terrorism and violent far-left extremism across Europe is considered low compared to other types of terrorist activities, this threat also remains an issue of concern for some countries. Similarly noticeable are emergent and interconnected violent extremist ideologies, combining topics such as extreme misogyny, conspiracy narratives, anti-democratic and anti-institutional beliefs which can represent a potent precursor or amplifier for future terrorist attacks on the continent.

Return and relocation of foreign terrorist fighters (FTFs) continues to affect a notable number of countries in Europe. European governments have expressed concerns that repatriated FTFs could come back to their country more trained, skilled and connected than before raising the risk of possible attacks, or could relocate across countries and areas to take part in local and regional conflicts. While the exact numbers of

FTFs who have returned to Europe remain difficult to establish, figures suggest that nearly half of the FTFs from the Western Balkans are believed to have returned, as well as approximately 40% of those who have travelled from the United Kingdom and Germany to fight in Iraq and Syria.

Europe has also witnessed changes in the way terrorist messaging, recruitment and co-ordination may be taking place, as well as possible expansion of target groups and approaches to attacks. Soft targets, namely 'public spaces or other locations that are easily accessible and predominantly civilian in nature, often with limited security measures in place' (UNCTED, Analytical Brief), have been the predominant choice for most attackers, often carried out through easily procurable weapons and equipment, such as vehicles, melee weapons, modified firearms, and home-made explosives. Many attackers have also attempted to increase the publicity of their attacks through online posts or videos prior to the attack, as well as the use of livestreaming technology to broadcast online directly.

The ubiquity of modern technologies has massively increased over the past years, bringing with it the potential for a wide spectrum of terrorist narratives, ideologies and propaganda to reach intended audiences irrespective of their location, profile, gender or age. Particularly, women and children have also been identified as increasingly targeted by terrorist and violent extremist groups alike. In the offline world, prisons and other types of detention facilities are still seen as presenting considerable risks for radicalisation and recruitment.

Lastly, the Covid-19 pandemic has demonstrated how quickly terrorist and violent extremist groups adapt to new circumstances, embracing new narratives and means to support their ideologies and activities. In particular, violent far-right groups and networks have sought to use the pandemic, and corresponding public health measures and restrictions, as an opportunity to propagate certain narratives to garner support, recruit adherents, and encourage attacks in Europe and beyond, while ISIL(Daesh) and Al Qaeda also initially used it to further their ideological agenda.

Council of Europe Counter-Terrorism Activities 2018-2022

The Council of Europe has significantly contributed to the prevention and suppression of terrorism through the implementation of the Counter-Terrorism Strategy 2018-2022. On the standard-setting side, through its specialised Committee on Counter-terrorism (CDCT), the Council of Europe has produced the following three new Recommendations, one set of Guidelines and one tool aimed at enhancing national capacities in specific areas:

1. **Recommendation CM/Rec(2021)7 on measures aimed at protecting children against radicalisation for the purpose of terrorism**, which focuses on the protection of the child from radicalisation through the involvement of first-line practitioners, civil society and the private sector, and on the development of prevention strategies aimed at implementing this model, taking into account the best interests of the child.
2. **Recommendation CM/Rec(2022)8 on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences**, which provides guidance to member States on the possible use of information collected in conflict zones in investigations and national criminal proceedings against those suspected of involvement in terrorist activity, provided that such information has been collected in accordance with the rule of law and in full conformity with the human rights standards as set by the European Convention on Human Rights. This Recommendation represents a follow-up action of the Council of Europe in supporting member States to address the phenomenon of foreign terrorist fighters (FTFs). It builds upon the standards introduced in 2015 with the Additional Protocol to the Convention on the Prevention of Terrorism (CETS No.217) which has facilitated the introduction of a number of FTF-specific criminal offences to legal systems of member States.

3. **Recommendation CM/Rec(2022)7 on the risk assessment of individuals indicted or convicted for terrorist offences**, which provides guidance on the tools and processes considered most effective in assessing the risks posed by these categories of individuals to be relied on by competent authorities when striking a balance between individual freedoms and the need for ensuring the safety of the general public. It covers all phases where such an assessment may be used, from the judicial stage to the potential execution of sentences and release from prison, providing guidance on how to properly carry out risk assessments and use the results of this process to support judicial decisions or security measures.
4. **Tool for the preliminary evaluation of the risk that a terrorist attack may be carried out by radicalised persons**, which, in addition to the above Recommendation, provides guidance on the establishment of a set of risk indicators that 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 CM/Rec(2018)6 of the Committee of Ministers to member States on terrorists acting alone.
5. **Guidelines on the Links between Terrorism and Transnational Organised Crime**, which aim to ensure that specific challenges related to terrorism and transnational organised crime and the nexus between both are addressed, including opportunistic co-operation between the groups, the potential recruitment and radicalisation of common-law criminals by terrorist organisations, the adoption of one criminal group's modus operandi by the other, the role played by prison systems in potentially creating and consolidating this nexus and the financing and facilitating of terrorist acts, notably through arms trafficking.

Furthermore, in an effort to ensure continuing relevance and effectiveness of its standards on financing of terrorism, the CDCT participated in a Joint expert group which aimed at reviewing relevant counter terrorist financing standards, composed of representatives from the CDCT as well as the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and the Conference of Parties to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (CETS 198). In a similar vein, the CDCT has begun work on developing and adopting a pan-European legal definition of terrorism that would serve as a benchmark across members in understanding what is meant by this term for both prevention and enforcement purposes. The CDCT also produced a Collection of Good Practices regarding deradicalisation, disengagement, and social reintegration, which draws from the recent practical experience many States have in the design and implementation of programmes aimed at preventing vulnerable individuals from carrying out further attacks or engaging in further terrorist activity.

Responding to the need of its members to exchange information on key counter-terrorism related practices and policies, six events were organised under the auspices of the CDCT whose outcomes have been considered in the development of this Strategy document: the Workshop on the Conduct of Criminal Trials against, and the Prosecution of, Foreign Terrorist Fighters, Including Returnees and Relocators, the International Conference on the Roles of Women and Children in Terrorism, the seminar on Law Enforcement and Emergency Services Responses during and in the Immediate Aftermath of Terrorist Attacks, an event on Supporting Victims of Terrorism in Cross-border Situations, and a Conference on Countering Terrorist Communications, Recruitment and Training. While focused on specific phenomena and issues relating to terrorism, these events all allowed counter-terrorism professionals, academics, civil society organisations and others to share their experience and views on these challenging matters.

The CDCT has also continued convening specialised networks to facilitate co-operation and communication between its members in specific areas: the 24/7 Network on Foreign Fighters, and the Network of Single Contact Points for the Exchange of Procedural Information regarding the Legal Standing of Victims of Terrorism. The current Strategy looks to draw from and build upon the outputs and outcomes of these actions and activities, while also recognising the changes to the terrorist landscape that have emerged in the past five to six years.

Lastly, going beyond the scope of the activities envisaged under the 2018-2022 Strategy, the CDCT also embarked upon examination of other topical issues of relevance for future work through the review of national capacities to respond to bioterrorism threats, the Workshop on De-Radicalisation in Prisons, and the Conference on Transnational Terrorist Threats from Emerging and Re-emerging Violent Extremist Movements.

Aim and objectives of the 2023-2027 Counter-Terrorism Strategy

The previous Council of Europe Counter-Terrorism Strategy (2018-2022) was largely developed and implemented in a different security context, specifically that many of the international and regional counter-terrorism tools and mechanisms had been set up mainly, but not only, to address acts of terrorism emanating from Al-Qaeda, ISIL(Daesh) and affiliated entities. As the terrorist threat in Europe has evolved significantly, there is increased attention on the threat from a multiplicity of ideological movements, notably from a recent wave of attacks carried out by the violent far-right, but also from violent far-left groups and emerging terrorist movements. Counter-terrorism efforts need to reflect this new reality, ensuring they can

address a wide range of potential terrorist movements whose targets, tactics and doctrinal attributes may differ greatly.

While acknowledging that it is primarily the responsibility of States to prevent and combat terrorism, the current Strategy looks to support such efforts through actions aimed at achieving the following objectives in three key areas/pillars: Prevention, Prosecution and Protection:

I. Prevention

For the purpose of this Strategy, the first pillar **prevention** is understood as measures aimed at disrupting terrorist attacks or their preparation through multifaceted longer-term measures aimed at better understanding the causes and evolution of terrorist threats, curtailing radicalisation leading to terrorism, including countering recruitment, training, the dissemination of terrorist ideology and the financing of terrorism.

Objective of the Strategy: Acts of terrorism are prevented and disrupted by national authorities.

Outcomes to be achieved through Strategic actions:

- States understand the nature, scope and trends in terrorism threats in Europe and beyond;

- States are supported in their efforts to take effective action at local, national and international levels to prevent terrorist activity and attacks;
- States are provided guidance aimed at addressing the main drivers and factors leading to radicalisation and violent extremism conducive to terrorism;
- States have the resources to prevent individuals from being recruited to terrorist groups and networks, reduce the capacity of designated terrorist organisations to sustain and retain members, and block the formation of new terrorist groups;
- States can co-operate across-borders to prevent terrorist groups and networks from engaging or co-operating with transnational organised crime groups, particularly with regards to the acquisition of firearms, explosives and other instrumentalities for use in terrorist attacks;
- States are provided with a framework of adequate and effective procedural safeguards in place to prevent potential violations of human rights, including victims' rights, in legal proceedings related to terrorist offences;
- States have the resources to prevent individuals from being recruited to terrorist groups or to commit terrorist acts alone, reduce the capacity of designated terrorist organisations to sustain and retain members, and block the formation of new terrorist groups and track foreign terrorist fighters (FTFs) by any means, including by sharing passenger name record (PNR) data and advance passenger information (API), in full compliance with human rights and fundamental freedoms according to the criteria developed by the relevant case law of the European Court of Human Rights;
- States are provided with a practical tool on best approaches to dis-engagement and social reintegration of different categories of individuals impacted by terrorism.

II. Prosecution

The second pillar of the Strategy, **prosecution** is to be understood as ensuring that terrorist offences committed in Europe or abroad are investigated in the most efficient manner, also through effective judicial and international co-operation and that those responsible are brought to justice, in respect of human rights and the rule of law.

Objective of the Strategy: Persons who commit or are accused of having committed terrorist offences alone or as part of a terrorist group or association are investigated and prosecuted in accordance with the rule of law and human rights standards.

Outcomes to be achieved through Strategic actions:

- States should investigate and prosecute, in line with the rule of law and human rights standards, those who commit or are accused of having committed terrorist offences;
- States have agreed on a framework that encourages them to reduce legal and practical barriers in their efforts to investigate and prosecute terrorists in accordance with human rights and the rule of law, and in particular the European Convention on Human Rights and the case-law of the European Court of Human Rights;
- States can co-operate internationally to share information and evidence relevant to terrorism-related cases, in accordance with applicable standards of privacy and data protection. This includes efforts to address the threat posed by foreign terrorist fighters;
- States are provided with guidance on improving the framework to exchange, handle and use evidence sourced from international co-operation, e-evidence provided by private technology companies, and other sources, to the highest degree possible;
- States have resources that allow them to facilitate the use of information and evidence collected from zones of armed conflict for use in criminal trials;
- States have the legal means to ensure that persons suspected of committing terrorist offences, international crimes, or violations of international humanitarian law in the context of an armed conflict are brought to justice;
- States have policies and legislation in place and the know-how to enable the participation of the victims of terrorism in terrorism-related criminal proceedings and ensure their access to justice and reparations.

III. Protection

The third pillar of the Strategy, **protection** is understood to imply providing security of individuals and communities and their rights, protection of potential targets of terrorist attacks, including critical infrastructures and public spaces, and assistance and support to victims of terrorism.

Objective of the Strategy: Individuals and their rights are protected from the harms caused by terrorism.

Outcomes to be achieved through Strategic actions:

- States have the necessary capacity to protect their citizens and their rights from the harms of terrorism and support other member States in this regard;
- States have been provided with guidance on how to assist victims of terrorism, support victims to ensure that they can exercise their rights and compensate the victims of terrorism, including through victim support services;
- States are supported in their efforts to develop policies and measures to protect identified vulnerable individuals and groups, including religious or ethnic communities, women, children and others from the threat and harms of terrorism;
- States are provided with guidance on the development and implementation of effective programmes aimed at the disengagement and social reintegration of potential or convicted terrorist offenders;
- States have agreed upon adequate emergency and response planning strategies to effectively respond to terrorist attacks, including terrorist attacks carried out with chemical or biological weapons.

By implementing the activities stated in the Action Plan annexed to the current Strategy, the Council of Europe will ensure the realisation of individual outcomes set forth under each of the three areas/pillars (prevention, prosecution, protection), which will collectively, and through follow-up State actions, lead to the achievement of the three key objectives of the Strategy. Analysis, understood as collecting and processing

data relevant for the formulation of collective and individual prevention, prosecution and protection efforts, will be an integral part of such activities across the three pillars.

The objectives as defined are in line with the main aims and relevant articles of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and its Additional Protocol (CETS No. 217). In particular, the Strategy is to complement the achievement of the purpose of Convention No. 196 which “is to enhance the efforts of Parties in preventing terrorism and its negative effects on the full enjoyment of human rights, in particular the right to life, both by measures to be taken at national level and through international co-operation, with due regard to the existing applicable multilateral or bilateral treaties or agreements between the Parties.” This includes enhancing the ability of national authorities to prevent terrorist offences, and the attempt thereof, as set out within the Convention and its Additional Protocol, as defined in the universal anti-terrorism instruments listed in the Appendix to the Convention.

Furthermore, the strategic objectives are linked with the UN Global Counter-Terrorism Strategy and the UN Sustainable Development Goals, particularly Goal 16.A which aims to “Strengthen relevant national institutions, including through international co-operation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime”.

Areas of focus

Taking into consideration the strategic objectives outlined above and mindful of evolution of the terrorism landscape in recent years, actions and activities under the current Strategy will particularly focus on addressing the observed trends elaborated below. These focus areas are aimed at ensuring the continuing effectiveness of Council of Europe counter-terrorism tools in a changing terrorism environment.

a. Changing *modus operandi*

The recent ETT Report suggests that the pattern of post-organisational terrorism in Europe has accelerated. In recent years, Europe has seen a move from large-scale co-ordinated and directed attacks, towards inspired attacks carried out by lone actors and small cells on different sides of the ideological spectrum. The wave of violent far-right attacks perpetrated in the West since 2019 has been carried out primarily by individuals acting alone, embedded in online communities and with no known or very loose connections to existing groups. Lone actor attacks inspired by ISIL(Daesh), Al Qaeda and/or other terrorist groups, but not organised or directed by them, has also been the most frequent terrorism *modus operandi* in Europe and is assessed to be largely associated with the decline of power of the two groups in the Middle East. Similarly, the ETT Report^[2] notes that “ethno-nationalist and separatist terrorist groups that used to pose a major terrorist threat historically have reduced their activities significantly ... remain[s] relevant to a number of jurisdictions”.^[3]

The growing proportion of lone actor attacks in Europe are frequently ‘low cost’, take aim at soft targets and largely use easily procurable weapons and equipment that do not require any special training to use. This trend is observable in relation to attacks inspired by ISIL(Daesh) or Al Qaeda and far-right terrorism which show that the attackers relied on simple weapons which are easily accessible to small cells and lone actors, such as melee weapons, vehicles and home-made explosives. Melee weapons (such as knives, axes, machetes or meat cleavers) became increasingly used in terror attacks in Europe from 2014 onwards. While less common than other types of weapons, the use of firearms has remained a feature of terrorism in Europe due to the greater accessibility of these weapons. While the proportion of attacks using explosives has declined, some of the deadliest attacks in Europe since 2015 have involved bombs and the use of Improvised Explosive Devices (IEDs). Other types of weapons used to commit attacks include home-made 3D-printed weapons, as well as modified or custom-built firearms.

In terms of the targets, a study of 246 planned and executed attacks in Western Europe between 1994 and 2016 found that soft targets are preferred by groups and lone actors alike, noting that 88% of attacks had a soft target focus, a proportion which increased notably from 2014 onwards.^[4] While increased security around hard targets has reduced the likelihood of successful attacks, there have also been a further

acceleration of attacks on soft targets. Lone actor attacks on law enforcement, civil servants and political or religious figures have also grown in prominence in recent years.

Internationalisation of connections between various terrorists and violent extremist groups has also led to a number of attacks being inspired by actors, networks and individuals beyond one’s own country or continent. Research has also highlighted the ways in which terrorist groups and violent extremists can have a reciprocal relationship, in which they exploit the actions of adversarial groups to rally support for their ideology and feed off each other’s rhetoric and calls to escalate violence, particularly in online spaces. The highlighted and other features of the new terrorist threats demand reassessment of the applicability of the existing counter-terrorism tools to post-organisational terrorism and development of new response frameworks geared towards its mitigation, while, at the same time, not neglecting continuous efforts aimed at combating organised terrorist groups beyond Europe whose activities may have a spill over effect on the continent.

b. Rise of terrorist attacks by violent far-right

The threat of terrorism motivated by violent far-right ideologies has come to the forefront in Western countries in recent years, in particular since the wave of lethal attacks that primarily affected Western Europe, including the attacks in Baerum, Norway, in August 2019; in Halle, Germany, in October 2019; and in Hanau, Germany, in February 2020.

The violent far-right is considered to be one of the biggest terrorist threats for Europe. An analysis by the Centre for Strategic & International Studies of more than 2,200 attacks in Europe (CSIS) between 2009 and 2020 concluded that far-right terrorism represented 21.8% of terrorism fatalities in Europe.

There are key differences between the ideological and organisational models often used by ISIL(Daesh), Al-Qaeda and the violent far-right. In contrast to the relatively clear ideological aims of terrorist activity inspired by ISIL(Daesh) or Al-Qaeda, there are a broad array of groups on the violent far-right motivated by divergent blends of perspectives drawn from a broad ideological spectrum. Many jurisdictions have experienced an increase in mixed-motive terrorism attacks from violent far-right actors, often inspired by relatively niche internet ecosystems, conspiracy narratives and ideological movements, making it sometimes complicated to prove all the constituent elements of terrorist offences.

Furthermore, while ISIL(Daesh) and associated groups often have consistent membership and entities which claim responsibility for attacks carried out for their particular cause, the ideologies of the violent far-right broadly promote the concept of “leaderless resistance” as a means to combat their adversaries and tend to hold the view that attacks by individuals or small groups, rather than large organisations, are required

to, for instance, foment inter-community conflict or accelerate the anticipated collapse of States and breakdown of society. As such, violent far-right groups often lack a sustained membership and roles, but rather form fluid, temporary and informal groups where they can plausibly deny violent lone actor attacks.

There are high levels of international co-operation in the recruitment, co-ordination and attacks among and between transnational violent far-right extremist networks, as well as many unaffiliated or loosely connected individuals who are often radicalised online. These loose international networks online often serve as umbrellas for a wide range of violent extremist beliefs which are often shaped by particular local and political contexts. Violent far-right groups founded in one country can thus have branches or affiliates in other countries across Europe as well as North America and other parts of the world or participate in common online forums and social media sites. Furthermore, the internationalisation of violent far-right groups and networks has also seen foreign fighters travelling to join paramilitary groups with similar violent far-right ideologies in conflict affected areas.

While different actions and attacks deriving from the violent far-right have to date been investigated and prosecuted in several jurisdictions under terrorism charges, there remains a lack of unified international understanding of terror threats fuelled by violent far-right ideologies, as well as associated emerging ideologies, with existing international lists of terrorist groups failing to capture the threat posed by groups driven by such other ideologies.

Similarly missing is a common understanding of the applicability of terrorist charges to activities of the violent far-right groups and networks, as well as individuals driven by their ideology. Various approaches across and within jurisdictions can also diverge on key topics, particularly where separate definitions of

terrorism and hate crime have resulted in violent far-right-motivated attacks being primarily investigated and prosecuted as hate crimes while attacks claimed by ISIL(Daesh) or Al-Qaeda being prosecuted as terrorism.

Having in mind both the rise of the threat and continuing uncertainty over its legal implications, particularly in a cross-border context, it is imperative that counter-terrorism and prevention responses are revisited to take into account this rebalancing of terrorist threats.

c. Increased abuses of technology for terrorist purposes

New technologies such as electronic information and communications technologies (ICT), while offering considerable possibilities and allowing new approaches to law enforcement authorities and intelligence services, have, on the other hand, received a prominent place in the terrorism milieu, further exacerbated by the Covid-19 pandemic. Terrorists are leveraging such new technologies in their recruitment, planning, financing and execution of attacks, from social media and communication platforms to fintech and technologically sophisticated weapons (e.g. drones).

Online technologies have in particular enabled terrorists to communicate, network, co-ordinate their activities and plan attacks. Research has shown that the co-ordination and planning of attacks is more likely to take place in closed online channels and groups, as well as encrypted messaging applications. Violent far-right actors have used online platforms to build transnational connections and have decentralised online networks for co-ordination, communication and exchange of tactics. Furthermore, these platforms often enable prominent actors to indirectly incite or provoke terrorism through the use of coded language and signals that promote violence without overtly violating the terms of service.

In addition to co-ordination of activities and attacks, new technologies have become a powerful resource in radicalisation and recruitment. Both traditional terrorist groups and violent extremist groups have taken advantage of new technologies, such as social media platforms, gaming chatrooms and other alternative online spaces, to promote their ideas, including those of hatred, violence, and misogyny, radicalise audiences and recruit new adherents. Gaming chatrooms are already used by terrorists for communication, radicalisation and recruitment, while terrorist propaganda can be hidden in gaming content.

While there have been considerable efforts to improve the capacity of content moderation systems to identify terrorist online content, including the use of both human and algorithmic systems on mainstream platforms, terrorist and violent extremist actors can often easily migrate to smaller, niche platforms with weaker or no content moderation. Efforts by large content service providers and communication platforms to identify and curtail terrorist activities and propaganda online have spurred a migration of violent extremist and terrorist networks to a variety of less regulated and constantly evolving social media platforms, encrypted messaging applications and forums. This allows terrorists and violent extremists to remain visible to their partners and followers, yet these encrypted platforms and the use of anonymising and pseudonymising technologies can often present significant technological and resource barriers for authorities seeking to monitor, intercept or disrupt.

More sophisticated messaging, particularly seen among violent extremist groups, has pushed the boundaries of freedom of expression to the fullest extent, making it difficult for counter-terrorism professionals to intervene using existing counter-terrorism tools. Additionally, several attacks have been livestreamed through live feeds on Facebook and other methods as well as gaming platforms and then shared around a variety of video-hosting services to avoid content blocks and moderation. Furthermore, the risks of terrorist abuse of online spaces could be further aggravated with the recent launch of the Metaverse, a virtual universe accessible through virtual reality equipment in which the majority, if not all, of daily activities can be found and for which the existing tools to counter terrorism in online spaces have limited reach.

Similar trends have been observed, but to a lesser extent, in relation to the financing of terrorism with the use of virtual assets, including cryptocurrencies, popular fund-raising tools, such as crowd-funding platforms and other digital finance tools for terrorist purposes.

Given these phenomena and the ability of terrorist and violent extremist actors to innovate and adapt to new technologies, continuing investment and attention will be needed in order to design and implement suitable interventions that target terrorist abuses of the online world. Focusing on terrorist messaging, hate speech, propaganda and recruitment efforts remains critical, as well as improving the capacity of relevant authorities to effectively collect, handle and use evidence of online activities in criminal proceedings for terrorist offences and international crimes.

d. Return and relocation of foreign terrorist fighters

Following the UN Security Council Resolution 2178 (2014), foreign terrorist fighters (FTFs) are understood as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict”. At the height of the conflict in 2015, the UN estimated that more than 40,000 FTFs from over 110 states joined ISIL(Daesh) and Al Qaeda to fight in Iraq and Syria. In this respect, in Europe, the most affected jurisdictions included Belgium, France, Germany, Austria, the Netherlands, Denmark, Sweden, Spain, the Western Balkans, and Türkiye. Although uncertain at this stage, State estimates suggest that a notable percentage of those who had travelled have returned to their countries of origin raising concerns over future involvement in terrorist activities at home or in other parts of the world affected by terrorist activities (e.g. Africa more recently).

Subject to availability of evidence, several countries have processed a number of individuals believed to have been involved in atrocities committed by ISIL(Daesh) in Iraq and in Syria. This approach nonetheless remains difficult to apply more broadly due to a number of factors, notably the inability to apply offences related to travel and support retroactively, difficulties with obtaining evidence of concrete involvement in acts that would be deemed admissible in criminal courts or using information collected by other actors present in conflict zones, as well as inability to bring the persons in question to justice due to their relocation across countries and regions. This reality, coupled with likely continuing return of such nationals, necessitates continuing involvement of the CDCT in enabling its members to use all available resources for bringing all individuals involved in terrorist acts to justice and fostering co-operation across jurisdictions in this field.

e. Disengagement and reintegration of women and children with ties to terrorist groups/networks

While not novel to the terrorism milieu, the targeting of women and children by terrorist organisations has come to the forefront in recent years with ISIL(Daesh)'s recruitment campaigns, as well as subsequent discussions over the fate of women and children with alleged ties to ISIL(Daesh) held in camps in Northern-East Syria. Violent far-right extremist groups have also attempted to target women and children with online campaigns to broaden their appeal and spread their ideologies and narratives. The most recent Europol Terrorism Situation and Trend Report (2022) highlights the increasingly young age of suspects linked to violent far-right online communities of varying degrees of organisation, with multiple suspects in 2020 having been arrested as minors.[5]

An overview of existing disengagement and reintegration programs conducted by the CDCT highlights a notable gap in disengagement and reintegration programs in this regard: disengagement and reintegration programs have so far been largely aimed at adult men. As such, programs specifically tailored to the needs of women and children with ties to terrorist organisations, including those who had been trafficked for such purposes, can often be characterised as *ad hoc* at best, integrating only general features of gender-sensitive and age-sensitive approaches.

It is, therefore, necessary to continue the CDCT efforts in this domain focusing on a comprehensive approach to addressing the needs of women and children returnees, as well as those at risk of being radicalised and recruited by different groups and movements in the future.

f. Interaction between terrorism and the laws of armed conflict

The intersection between armed conflict and terrorist activity in the past decade has raised significant questions on the relationship between counter-terrorism measures and international humanitarian law, particularly as it relates to issues of criminal liability.

This interplay has become notably visible in the context of the armed conflict in Syria, where groups such as ISIL(Daesh) are classified as non-state armed groups but have also been designated as terrorist organisations. A crucial difference exists between international humanitarian law and counter-terrorism legislation in that the former is based on the premise that certain acts of violence in war, i.e. attacks against military objectives and personnel, are not prohibited, while acts of terrorism are prohibited and criminalised in all circumstances. This has presented problems during subsequent attempts by European criminal justice authorities to investigate, prosecute, and convict individuals suspected of involvement in crimes that took place in the context of the armed conflict in Syria and Iraq.

The interplay of counter-terrorism legislation and international humanitarian law has also emerged in relation to more recent conflicts on the European continent, namely in the context of the threat posed by foreign (terrorist) fighters. Individuals travelling abroad to participate in the armed conflict may incur liability for any criminal acts perpetrated on foreign territory, as well as raise concerns regarding the potential threat that such individuals may pose to societies to which they return having gained extensive combat experience and having had access to weaponry.

The CDCT has explored various aspects of considering this intersection under the 2018-2022 Counter-Terrorism Strategy, mainly through its work on the Recommendation on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences, which provides guidance on possible avenues for using information acquired in conflict zones by non-criminal justice sector actors in criminal proceedings for both terrorism and war crime charges. While information collected or obtained from conflict zones, including by military actors, is often valuable for effectively prosecuting crimes committed in conflict zones, in order to verify and corroborate such evidence there may also be a need to consider non-traditional types of information and evidence, including e-evidence, such as open-source intelligence (OSINT), financial intelligence, and others. In all instances, the use of such information in criminal proceedings should be done in a manner that does not jeopardise intelligence sources and methods, where appropriate.

However, there remain a range of other legal issues, particularly a lack of clear and consistent approaches towards ensuring criminal liability for conduct amounting to a violation of the rules of armed conflict and/or counter-terrorism legislation.[6] As there can be competing legal obligations to investigate and prosecute war crimes as well as terrorist offences, this has led to different approaches which may not fully capture the nature or gravity of the conduct in question, set appropriate and proportional punishments for perpetrators, or may present issues regarding fair trial rights and other procedural safeguards. Furthermore, while some jurisdictions have adopted an approach where such conduct is assessed or qualified as falling within both legal regimes (known as dual legal qualification or cumulative prosecution), this approach remains unfeasible under the procedural rules of others.

Diverse country practices regarding prosecutions indicates a need for greater investment in understanding the interplay between these two legal frameworks, ensuring that no accountability gaps exist and that perpetrators are brought to justice. This may entail the development of resources that would support the effective and harmonised application of counter-terrorism tools to both terrorist offences and international

crimes committed during armed conflict while respecting the integrity of international humanitarian law.

Cross-Cutting Issues

In ensuring continuation of previous efforts, while particularly focusing on new threats and trends, the current Strategy will also seek to adequately reflect standards in key related fields, such as human rights law, the rule of law, gender equality, and victims' rights, and be implemented in full co-operation with internal and external partners.

Human Rights and the Rule of Law

Respect for human rights for all and the rule of law constitutes the fundamental basis of the prevention and fight against terrorism. Ensuring broader coherence and consistency between the Strategy and relevant Council of Europe human rights standards is essential. States are obliged to respect the human rights of persons suspected of committing, accused or convicted of having committed terrorist offenses. This includes the right to privacy, the right to data protection and the adherence to fair trial rights – notably in the

context of FTFs. Within human rights law, States are furthermore obliged to take measures to protect the fundamental rights of everyone within their jurisdiction from terrorism. Terrorist violence and the threat of terrorism, including the physical and mental harm suffered by victims of terrorism, as well as the wider damage terrorism inflicts on affected communities and populations constitutes a human rights' violation. The positive obligation to respect the rights and fundamental freedoms of its citizens is the cornerstone of the Council of Europe's approach towards terrorism. The Preamble to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) explicitly recalls the "obligation of all Parties to prevent [terrorist] offences and, if not prevented, to prosecute and ensure that they are punishable by penalties which take into account their grave nature."

Countering terrorism is a legitimate aim to take actions in the interests of national security, preventing disorder and ensuring the protection of the rights and freedoms of others. Notwithstanding, both the Convention on the Prevention of Terrorism (CETS No. 196) and human rights law requires that all measures taken should be non-discriminatory, prescribed by law, necessary in a democratic society and proportionate to achieving this aim. This also entails a duty to respect the rule of law, particularly by ensuring that no measures are taken arbitrarily by national authorities, and that all counter-terrorism legislation and measures are subject to appropriate supervision by empowered national structures and bodies, including legislatures and judicial bodies. These requirements will be reflected in practical terms across actions taken under the new Strategy, through consideration of the impact that possible solutions may have on individual human rights and the rule of law and related formulation of new counter-terrorism standards and guidelines in line with applicable human rights and rule of law standards.

Victims of terrorism

Victims and the rights of victims are considered a crucial aspect of the Counter-Terrorism Strategy.

Following different expert discussions which took place under the auspices of the 2018-2022 Counter-Terrorism Strategy, an overall conclusion materialised related to the scope of the understanding of the term "victims" in the context of terrorism. Traditionally, victims of terrorism have been understood to imply persons directly affected by a terrorist act. They should always be met with due respect and awarded adequate commemoration. This view, reflected in a number of regional and international documents, may however not fully capture the width of the phenomenon, as demonstrated by practices of national victim support services. In addition to those killed or injured in terrorist attacks, families of such individuals (inter alia, spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim) are more frequently than not in need of support due to the indirect impacts of terrorist acts on their lives. When recognised as victims, the standing of such individuals for the purposes of support and the enjoyment of rights should not necessarily be time bound to the immediate aftermath of terrorist attacks, as their experience may continue to have a long-lasting impact on their ability to function normally and healthily in their respective communities.

Furthermore, pursuant to international standards on the rights of the child^[7], children exposed to terrorist ideologies, recruited or exploited by terrorist and violent extremism groups are equally, in principle, to be considered as victims taken advantage of by the adults, without prejudice to their potential criminal liability under national legislation for any possible involvement in terrorist activities. Lastly, families of terrorists are also granted the status of victims and associated services in some jurisdictions, particularly where they may experience continuing stigmatisation from others for actions that were not of their own choosing.

As such, questions of victims and their rights transcend all three areas/pillars of the current Strategy. Prevention may aim at minimising the number of new victims, but also at eliminating secondary victimisation of groups such as children. Prosecution aims at ensuring just satisfaction to those affected by terrorist acts, while also encouraging practices that would allow them to have a voice in criminal proceedings. Protection grants all the support needed, dependent on their specific situation, without prejudice towards any particular type of victim or apparent distinctions that may be drawn between different victims.

In implementing actions related to victims and their rights under the current Strategy, due attention will be given to the above consideration and the broad spectrum of the rights and needs of victims in the context of terrorism.

Co-operation and Co-ordination with internal and external partners

Terrorism is a transnational problem that can only be efficiently countered through co-operation and co-ordination, not only within and between States, but also between the various organisations and fora involved. The Council of Europe has long fostered this approach. As a regional organisation it has sought to translate global counter-terrorism commitments to its members, while at the same time producing standards applicable beyond Europe and globally, unify counter-terrorism practices that reflect the rule of law and human rights standards and provide mechanism for effective cross-border co-operation. It has moreover sought to engage in various ways with regions affected by terrorism which are not member States or observer States of the Council of Europe as a means of advancing common approaches to terrorist threats. While recognising the global role of the United Nations in the international efforts against terrorism, the Council of Europe, within its respective mandate, will continue its activities in countering violent extremism and radicalisation that lead to terrorism.

To accomplish these strategic goals, in implementing its activities the Council of Europe has and will continue to co-operate with its long-term partners, including the United Nations Counter Terrorism Committee (CTC) and its Executive Directorate (CTED) and the United Nations Office of Counter-Terrorism (OCT), Interpol, Europol, Eurojust, the Organization for Security and Co-operation in Europe (OSCE), Organization of American States (OAS), Commonwealth of Independent States (CIS), International Committee of the Red Cross (ICRC), and the European Commission. It will moreover seek to establish co-operation with similar bodies in other regions, such as that of the African Union (AU), in an effort to successfully address possible risks to Europe stemming from terrorist activities in those regions. This is done both on a practical level, through participation in Strategy actions and on a political level, through common positions on approaches to dealing with pressing terrorism-related matters.

A similar approach is taken with respect to different bodies and sections of the Council of Europe whose primary mandates are deemed relevant for the implementation of various counter-terrorism actions. These include, but are not limited to, the Parliamentary Assembly of the Council of Europe, Office of the Commissioner for Human Rights, the European Court of Human Rights, the Steering Committee for Human Rights (CDDH), Steering Committee for the Rights of the Child (CDENF), Gender Equality Commission (GEC), Cybercrime Convention Committee (T-CY), Committee of Experts on the Integrity of Online Information (MSI-INF), and the Committee on Artificial Intelligence (CAI).

Looking forward, an important role should be played in enhancing public-private partnerships. Stronger co-operation with private sector entities will help to ensure that the latest technological developments are available to members to enhance and develop new counter-terrorism methods for dealing with violent extremism and terrorism in online spaces. Similarly, greater communication with the civil society will ensure that agreed counter-terrorism efforts reflect the needs and views of all sections of the society, thus increasing the likelihood of their wider acceptance and use.

Working Methods

Continuing with the good practices established under the 2018-2022 Counter-Terrorism Strategy, the current Strategy will be implemented in a targeted manner, while allowing a certain degree of flexibility for its actions to be adapted to sudden, emerging changes in the terrorism landscape.

In pursuing the stated objectives of the Strategy, the Council of Europe will rely on its wide toolbox of multilateral actions that, taken together, can bring the desired changes in counter-terrorism legislation, policy and practice. These tools include, but are not limited to:

- draft legally binding instruments, such as conventions and protocols, through specialised working groups of the CDCT;
- prepare (non-legally binding) soft law instruments, such as Recommendations and Guidelines, through specialised working groups of the CDCT;
- produce issue-specific analysis, such as reports on terrorism trends or national capacities to address matters such as bioterrorism;
- develop resources containing good practices in the counter-terrorism field, such as handbooks and manuals, country profiles, and issue-specific factsheets;
- organise subject-specific conferences, workshops, seminars, or other types of exchanges that facilitate discussion among peers and help inform the substantive basis for future standard-setting interventions;
- promote the signature, ratification and implementation of the Council of Europe counter-terrorism standards; and
- establish and convene networks aimed at facilitating the day-to-day work of national counter-terrorism specialists of different profiles.

Where needed, the above actions will be supplemented with bilateral actions in an effort to help the authorities of different Council of Europe member and observer States to fully implement introduced or recommended standards or obtain the same level of expertise and capacity as counterparts in other jurisdictions.

Monitoring & Evaluation

Implementation of the actions under the current Strategy will be monitored on an ongoing basis in order to ensure their timely implementation, quality of outputs and continuing relevance to the often-changing terrorist milieu. This monitoring is primarily conducted by the CDCT itself, which discusses implementation progress, the start of new activities and the need for readjustments on a bi-annual basis. Furthermore, the CDCT submit an annual report back to the Committee of Ministers and the Secretary General of the Council of Europe with its findings and recommendations, who may also, in view of the findings of the monitoring and evaluation, instruct the CDCT to take or abstain from certain actions, as deemed appropriate.

Experience with the implementation of the 2018-2022 Counter-Terrorism Strategy has demonstrated the value of this monitoring and evaluation mechanism as all retained actions had been completed by the expected deadline, even taking into account the slight impact that the expulsion of the Russian Federation from the Council of Europe has had on their execution.

Annex I: 2023-2027 Counter-Terrorism Action Plan

Prevention

1.1. **Activity:** Analysing factors driving violent extremism leading to terrorism.

Reasons: The surge of a number of new and re-emerging ideologies, such as violent far-right and violent far-left ideologies, conspiracy theories, racism and xenophobia, leading to terrorism is raising the question about the political, societal and other drivers behind their exponential growth and attraction, especially among young people. Taking into consideration the need to proactively assess and react to the developments in that respect, the

CDCT will further explore different categories of factors leading individuals to adhere to and act upon extreme violent beliefs and the potential risk of them resulting in terrorist attacks, if not addressed proactively.

Expected output: In-depth analysis of factors driving violent extremism leading to terrorism.

Working method: For the purpose of implementing this activity, the CDCT will form a specialised working group of analysts of different profiles tasked with mapping out the issues to be examined and producing a report addressing all relevant concerns. Due to the breadth of the topic, the working group may decide to produce several reports, each of which focusing on different aspects under consideration.

Possible partners: UN CTED, Europol, Interpol, EU Radicalisation Network (RAN) as further possible partner

Proposed deadline: December 2025

Activity: Preparation of a draft Recommendation on combating the promotion of terrorism and radicalisation on the internet, including through social media.

Reasons: A number of terrorist groups and networks are heavily reliant on the internet and social media to promote their ideologies, radicalise their target audiences and recruit new adherents. Countering and disrupting these abuses of internet and social media platforms requires concerted efforts from national authorities as well as relevant private sector actors in order to minimise the harmful effects of terrorist abuse of online spaces. Many CDCT members have already taken considerable steps to develop means and mechanisms to suppress or take down terrorist content. Following the findings of the International Conference on Countering Terrorist Communications, Recruitment and Training organised by the CDCT in 2023, further steps should be taken to expand these initial efforts through other tools, including takedown (and preservation) orders, digital citizenship programmes, strategic communications and counter-narratives to terrorism.

Expected output: Draft Recommendation on combating the promotion of terrorism and radicalisation on the internet and social media.

Working methods: For the purpose of producing the draft Recommendation, the CDCT will form a specialised working group composed of experts on online messaging tasked with producing the draft text.

Possible partners: Committee of Experts on the Integrity of Online Information, GCTF, Tech against Terrorism, EU Radicalisation Network (RAN), GIFCT

Proposed deadline: December 2025

Activity: Providing guidance on non-criminal law measures that may be applied against violent extremist groups and networks whose activities are conducive to terrorism.

Reasons: The implementation of non-criminal measures to internationally or nationally recognised terrorist groups has largely been seen as an effective means in the overall fight against terrorism, such as the listing of groups as terrorist, prohibitions on specific activities, or the implementation of measures aimed at countering terrorist financing, including abuses of cryptocurrencies. These measures can be a potent resource in disrupting also the operations of violent extremist groups, particularly those of the violent far-right and the violent far-left. As some jurisdictions have begun implementing some of these measures to identified violent extremist groups and networks, it would be beneficial to examine such practices and draw conclusions on their effectiveness in this new context.

Expected output: draft Recommendation on non-criminal law measures that may be applied against violent extremist groups whose activities are conducive to terrorism.

Working methods: The CDCT will form a specialised working group, comprised of counter-terrorism and violent extremism experts with practical experience in the application of non-criminal law measures, tasked with producing the said draft Recommendation. The activities of the working group will be supported by other subject matter experts and entities, such as those dealing with proscription and designation, constitutional bans, and financial sector restrictive measures.

Possible partners: FATF, MONEYVAL, COP 198, Venice Commission

Proposed deadline: Mid 2026

Activity: Analysis of emerging patterns of misuse of technology by terrorist actors.

Reasons: Terrorist and violent extremist groups and networks across the ideological spectrum are increasingly using new technologies to advance their criminal activities, organise, finance, perpetrate and broadcast attacks. In an evolving world of new technologies where each advancement can be adopted and misused by terrorist actors, it is important to identify the main usage patterns in order to help identify and implement concrete actions needed to disrupt terrorist actors.

Expected output: Report on emerging patterns of misuse of technology by terrorist actors and identification of possible countermeasures.

Working methods: The CDCT will engage an independent consultant/s with expertise in the subject matter to produce a preliminary draft report.

Possible partners: Tech against Terrorism, GCTF, FATF/MONEYVAL, Committee on Artificial Intelligence, UN CTED

Proposed deadline: December 2024

Activity: Organisation of an International Conference on the abuse of livestreaming, gaming and virtual reality services and platforms by terrorist actors.

Reasons: Following up on the analysis of terrorist abuse of new technologies, the International Conference will explore the results of the analysis and dive deeper into contemporary issues relating to terrorist adaption to new technologies. In particular, the Conference will focus on the emerging pattern of using livestreaming, gaming and video-sharing services to broadcast and spread footage of terrorist attacks, as well as the risk presented by virtual reality services and platforms (including the Metaverse) where terrorists and violent extremist actors may find new means to operate, communicate or

co-ordinate in relative secrecy. The Conference will focus on the international co-operation and public-private co-operation aspects of this phenomenon, including the current legal and practical mechanisms available to CDCT members to request, exchange and receive information from internet and technology companies in foreign jurisdictions.

Expected output: Conference summary, focusing on the main public-private co-operation issues relating to terrorist abuse of livestreaming and virtual reality services and platforms.

Working methods: Organising a conference with participants primarily drawn from law enforcement, security services, tech platforms and academia.

Possible partners: T-CY, Tech against Terrorism, (Christchurch Call organisations) GIFCT, GCTF, UN CTED, Europol

Proposed deadline: December 2023

Activity: Drafting of an instrument on measures to enhance the prevention of trafficking of and illicitly acquiring firearms, including small arms, and explosives by terrorist and violent extremist groups.

Reasons: As many terrorist attacks have been carried out with relatively easily procurable weapons, there is a need to ensure that there are effective national and international procedures in place to impede terrorists from accessing illicit firearms and explosives. Terrorists have taken advantage of underground arms trafficking groups, black market arms networks (including DarkNet marketplaces and sites of the Dark Web), and organised crime elements in order to procure lethal firearms, including modified or altered arms and weapons. Furthermore, various lone actors have been intercepted while attempting to purchase precursor chemicals and material that could be used in explosives. As many of these underground networks operate transnationally, the CDCT should explore whether there needs to be further standards to ensure that adequate and effective systems are in place to identify, locate and co-operate in suppressing the illicit cross-border trade in firearms and explosives.

Expected output: a draft instrument on preventing and disrupting the procurement and trafficking of firearms and explosives by terrorist and violent extremist groups.

Working methods: The CDCT would organise a specialised working group tasked with examining the current legal and regulatory framework aimed at preventing the illicit cross-border trade in arms and explosives and prepare a draft instrument.

Possible partners: UNODC, Europol, UN CTED, EMPACT

Proposed deadline: Beginning of 2027

1.7 **Activity:** Analysis of good practices for deception and detection strategies in order to prevent an attack or traveling for the purposes of terrorism.

Reasons: There is a chance to prevent an attack up until the last minute. There is research suggesting that the behaviour of people before a crime deviates from the baseline of other people. For example, there are studies and best practices in the field of behaviour detection at airports that can be transferred to other public areas. Some police forces already train their officers in behaviour detection. Better understanding of the advantages provided by such practices could support the development of relevant policies across jurisdictions that would ultimately be used to prevent imminent attacks or traveling for the purposes of terrorism.

Expected output: Develop a publication on the advantages of using deception and detection techniques to prevent attacks or traveling for the purposes of terrorism.

Working methods: The CDCT will form a specialised working group that will analyse the practices of using deception and detection strategies to prevent terrorist attacks and will produce a publication on advantages and possible risks based on its findings.

Possible partners: Behaviour Detection Study Group of ECAC (BDSG), Universities, National Crime Agency (NCA), police forces / law enforcement, GCTF, 24/7 Network on Foreign Terrorist Fighters

Proposed deadlines: December 2025

Activity: Revise or supplement terrorist offences under the Convention on the Prevention of Terrorism (CETS 196) and its Additional Protocol (CETS 217) to cover the changed terrorist *modus operandi*.

Reasons: The terrorist *modus operandi* has changed over the years with a rise in threats stemming from different ideologies, different organisational forms (including post-organisational terror groups and lone actors), and new innovations in patterns of operations and attacks. With the surge in small-scale attacks, increased targeting of representatives of specific groups or entities, and looser affiliations by perpetrators with known terrorist groups, many jurisdictions have faced significant challenges in their efforts to legally qualify such acts as terrorist offences. Mindful of the increasingly transnational and transversal nature of such threats and the related need for enhanced cross-border co-operation among counter-terrorism authorities, there is a need for a common understanding of the scope of the applicability of terrorist offences to such new patterns and conduct.

Expected output: Review of the terrorist offences under the Convention on the Prevention of Terrorism and its Additional Protocol to emerging terrorist ideologies and changing terrorist *modus operandi*.

Working methods: Specialised working group of criminal justice professionals and policy makers to review the existing terrorist offences under CETS No. 196 and CETS No. 217 and suggest any revision or addendum, where applicable.

Possible partners: Conference of Parties to CETS 196/217

Proposed deadline: December 2024

Activity: Updating the Council of Europe Counter-terrorism Conventions

Reasons: In line with the review of the changes to the terrorist landscape and *modus operandi* of terrorist groups, CDCT members have discussed the benefit of a substantial update of the key Council of Europe counter-terrorism instruments, starting with a revision of the definition of terrorism contained in Article 1 of the Convention on the Prevention of Terrorism (CETS No. 196). Indeed, when proceeding with the work on the elaboration of a pan-European definition of terrorism, the CDCT started from the position that "a more comprehensive definition of terrorism would better reflect

contemporary trends in terrorism, enable more comprehensive police and judicial co-operation under the Convention and its Additional Protocol, improve the compatibility of these two aforementioned legal instruments with domestic and EU law as well as current and prospective UN law and practice, enhance legal certainty and the rule of law in the application of Council of Europe instruments pertaining to terrorism, and finally provide a more concrete basis for Council of Europe activities relating to counter-terrorism, counter-radicalisation and violent extremism". [8] The CDCT reflected again on this need more recently in the ETT Report noting that current international counter-terrorism instruments may not be adequately calibrated to deal with certain manifestations of terrorism, particularly post-organisational terrorism and lone actor terrorism loosely connected to transnational networks operating largely through online communications platforms. As such, they would need to be revised or updated to ensure continuing effectiveness against the changing landscape and provide further legal basis for international co-operation and mutual legal assistance in these areas.

Expected output: draft an additional protocol or amendment to the Convention on the Prevention of Terrorism, inclusive of the proposed new definition of the notion "terrorist offence" in Article 1 of the Convention.

Working methods: The CDCT will convene a specialised working group tasked with development of a draft additional protocol to the Convention. The activities of this working group will be informed by the CDCT work on the definition of terrorism, which will be integrated into the future draft additional protocol once it has been finalised on the CDCT level.

Possible partners: Conference of Parties to CETS 196/217

Proposed deadline: December 2025

Prosecution

2.1 **Activity:** Preparation of draft Guidelines on the effective use of information collected in conflict zones as evidence for the purpose of criminal prosecution of terrorist offences.

Reasons: In accordance with Article 31 of the Recommendation on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences, the CDCT will develop Guidelines on the effective use of information collected in conflict zones as evidence for the purpose of criminal prosecution of terrorist offences, particularly to support enhanced co-operation among states in this area. The Guidelines are envisaged to reflect existing practices with the use of such information and to advance effective legal solutions in order to reduce obstacles and improve the efficiency of relevant procedures.

Expected output: Draft Guidelines on the effective use of information collected in conflict zones as evidence for the purpose of criminal prosecution of terrorist offences.

Working methods: The CDCT will gather information on practices regarding the use of information collected in conflict zones in criminal proceedings for terrorist offences. This information will thereafter feed into the considerations of the specialised working group tasked with producing the draft Guidelines, composed, among others, of members previously engaged in the drafting of the Recommendation.

Possible partners: UN CTED, NATO, Eurojust, (including the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes ('Genocide Network'), International Institute for Justice (IJJ)

Proposed deadline: mid 2024

2.2 **Activity:** Organisation of a roundtable on the implementation of Guidelines on the effective use of information collected in conflict zones as evidence for the purpose of criminal prosecution of terrorist offences.

Reasons: The use of information collected by non-criminal justice actors, including the military, civil society organisations, national human rights bodies and independent investigators, as evidence in criminal proceedings is a very complex one. Such evidence can often require complicated processes for the criminal justice system and may present human rights concerns without appropriate safeguards in place. For these reasons, following the CDCT Guidelines on the effective use of information collected in conflict zones as evidence for the purpose of criminal prosecution of terrorist offences, the CDCT will organise a roundtable to discuss and explain the practical application of the guidelines, and ensure their visibility among relevant bodies and authorities.

Expected output: Presentation and explanation of practical implementation of Guidelines on the effective use of information collected in conflict zones as evidence for the purpose of criminal prosecution of terrorist offences.

Working methods: Roundtable

Possible partners: UN CTED, NATO, Eurojust (including the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes ('Genocide Network'), International Institute for Justice (IJJ)

Possible deadline: December 2024

2.3 **Activity:** International Conference on investigating and prosecuting terrorist offences committed in the context of armed conflicts.

Reasons: Terrorist acts, including sexual and gender-based violence, by designated terrorist groups participating in armed conflicts have presented a significant challenge to the international community in recent years. There remain a number of considerable overlaps between anti-terrorism law and associated measures including terrorist group listing and the laws of armed conflict. In order to address these issues, the CDCT will organise an international conference to bring together practitioners and representatives from CDCT members to share their experiences, challenges encountered and to learn about comparative good practices.

Expected output: A conference note covering the proceedings of the Conference which identifies the key challenges, experiences and lessons learned prosecuting terrorist offences committed in the context of armed conflict.

Working methods: the CDCT will organise an international conference on prosecuting terrorists for serious crimes committed during armed conflict.

Possible partners: International Committee of the Red Cross (ICRC), Eurojust (including the Genocide Network), OSCE, UN CTED, GCTF

Proposed deadline: Beginning of 2024

2.4 **Activity:** Providing guidance through a draft Recommendation on prosecuting terrorist offences and serious violations of international humanitarian law committed in the context of an armed conflict.

Reasons: Designated terrorist groups operating in armed conflicts have been known to commit brutal acts of violence that could potentially fall within the framework of international anti-terrorism law as well as international humanitarian law (IHL). As this can create competing obligations and challenging legal obstacles, notably the obligation on States to respect and ensure respect for IHL and to preserve the integrity of IHL while also bringing suspected terrorists to justice, the draft Recommendation will support national efforts to find common approaches and enhanced legal procedures to prosecuting individuals suspected of committing these offences.

Expected output: a draft Recommendation on ensuring accountability for terrorist offences and serious violations of international humanitarian law committed in the context of an armed conflict.

Working methods: a working group composed of national experts will be convened.

Possible partners: International Committee of the Red Cross (ICRC), Eurojust (including the Genocide Network), GCTF

Proposed deadline: Mid 2025

2.5 **Activity:** Production of guidance on strategies for the prosecution of violent extremism conducive to terrorism.

Reasons: Regarding violent extremism conducive to terrorism, the ETT Report notes a complex pattern of organisational structures (or lack thereof) and ideologies behind individual actions, as well as shifting patterns in the ways in which perpetrators prepare and carry out such actions. This shift in the source of the threat and the manner in which it is manifested seems to warrant an appropriate adaptation of criminal justice responses that would lead to successful prosecutions of terrorist attacks by groups associated with the violent far-right or violent far-left. A number of jurisdictions have already had such experiences that could be used to strengthen practices across CDCT members through tailored guidance.

Expected output: Guidelines on strategies to prosecute violent extremism conducive to terrorism.

Working method: In order to produce the Guidelines, the CDCT will employ two of its working methods aimed at gathering, analysing and distilling necessary information into the expected document. First, the CDCT will form a specialised working group composed of prosecutors and violent extremism specialists tasked with producing the Guidelines. The working group will, thereafter, host a prosecutorial roundtable on successes and challenges with the prosecution of violent extremism conducive to terrorism in order to discuss approaches and lessons learned among peers. Other practitioners, who are not members of the group but whose experience may inform its future work, will be invited to participate. Based on the information from the roundtable and other available resources, the working group will produce the draft Guidelines to be considered by the CDCT.

Possible partners: OSCE, UNOCT, Eurojust

Proposed deadline: Mid 2024

2.6 **Activity:** Providing guidance on the use of e-evidence and open-source information in criminal proceedings for terrorist offences.

Reasons: With the exponential increase of the use of new technologies for radicalisation, recruitment and event training of possible perpetrators of terrorist offences, reliance on digital evidence of electronic exchanges "(e.g. electronic communications, geo-locational information, electronic networks) when providing elements of terrorist offences is becoming inevitable. While not a new phenomenon, it has been observed that some jurisdictions have more practice in this area than others, and that procedural rules regarding the evidentiary value of such evidence differ across members. In an effort to ensure maximum effectiveness of cross-border co-operation regarding exchange of information, there may need to be further international effort to ensure that the gathering, use and exchange of such evidence is improved and harmonised across jurisdictions. A number of efforts taken within the Council of Europe and on the level of the EU aim at tackling this issue when it comes to gathering and exchanging such evidence, but to date, none has looked into the use of such evidence in criminal proceedings and their probative value for proving any of the elements of terrorist offences.

Expected output: Guidelines on the use of e-evidence and open-source information in criminal proceedings for terrorist offences

Working methods: For the purpose of developing the said Guidelines, the CDCT will establish a specialised working group which will gather information on country practices that would be used to distil relevant guidance. The publication of the guidelines will be supported by a conference or seminar to present and explain their content and practical implementation.

Possible partners: Cybercrime Committee (T-CY), European Commission for the Efficiency of Justice (CEPEJ), UC Berkeley Law Human Rights Center

Possible deadline: December 2026

2.7 **Activity:** Analysis of the status and developments regarding foreign terrorist fighters.

Reasons: The issue of foreign terrorist fighters (FTFs) and possible threat stemming from their return and possible future operations remains high on the list of counter-terrorism priorities in a number of jurisdictions. While there is some data on the numbers of those who left to fight with ISIL (Daesh), those pertaining to returnees appear less precise. The same holds true for the fate of those who have not returned to their country of origin. While often presumed dead or held captive in the camps in north-eastern Syria or Iraq, research has highlighted other possible scenarios such as relocation to other areas of terrorist activity, including Africa, or illegal entry into the countries of the continent through abuses of migratory flows. With the growing instability in the Middle East and the attempts of ISIL (Daesh) resurgence through activities of its branches and affiliates, it appears pertinent to look into the current status of the European FTFs, continuing risks posed by factors such as belated return, cross-border relocation and uncertainty surrounding disengagement and reintegration and continuing adequacy of existing tools to address possible new developments in this domain.

Expected output: Report on the status and developments regarding foreign terrorist fighters.

Working methods: The CDCT will establish a specialised working group composed of counter-terrorism practitioners dealing with the issue of FTFs tasked with analysing available data and producing the said report, including recommendations on further actions to be taken in this domain.

Possible partners: Eurojust (including the Genocide Network), Europol, Global coalition against Daesh, GCTF

Possible deadline: Mid 2024

Protection

3.1 **Activity:** Development of Guidelines on disengagement and reintegration programs for women with links to terrorism.

Reasons: The return of women and children from areas formerly controlled by ISIL(Daesh) continues to affect a number of Council of Europe members. At the same time, women and children continue to be increasingly targeted for radicalisation and recruitment by different terrorist and violent extremist groups. Currently, disengagement and reintegration programs for women and children are rare or largely ad-hoc, and as a result there is a risk that women and children's rights, as well as other gender and age dimensions may be overlooked or improperly addressed. The lack of dedicated means and measures in this area may negatively impact on the reintegration efforts of women and their specific needs in this context. As such, providing members with practical guidance and potential good practices on how they could develop, implement or adjust their programmes to address the needs of these specific groups could change this paradigm. Among other sources, this guidance will draw from the knowledge acquired by the CDCT through the Report on good practices regarding Deradicalisation, Disengagement and Social Reintegration prepared under the 2018-2022 Counter-Terrorism Strategy and the outcomes of the International Conference on the Roles of Women and Children in Terrorism organised by the CDCT in 2021.

Expected output: Guidelines on disengagement and reintegration programs for women with links to terrorism.

Working methods: The CDCT will establish a working group of experts in the area of disengagement and reintegration tasked with the production of the aforementioned Guidelines.

Possible partners: Gender Equality Commission (GEC), GREVIO, EU Radicalisation Awareness Network (RAN)

Proposed deadline: December 2025

3.2 **Activity:** Development of Guidelines on (re)integration programmes for children affected by terrorism.

Reasons: Children who have been directly exposed to terrorist violence and ideologies or recruited by terrorist groups require specific support and assistance. While a large number of children have been held and remain in the camps al-Roj and al-Hawl in Syria or other camps in the region, Council of Europe member States are seeing the return and repatriation of a number of children affected by terrorism. At the same time, some children, particularly adolescents, may continue to be vulnerable targets for further radicalisation and recruitment by terrorist and violent extremist groups. Placing the best interests of the child in the centre of decision-making, actions aimed at the (re)integration of children need to ensure that the rights and needs of these children are respected. Given these concerns, practical guidance could assist member States in their efforts to develop and implement effective (re)integration programmes which address the specific needs and rights of children. This guidance may draw from the previous work carried out by the CDCT through the Report on good practices regarding Deradicalisation, Disengagement and Social Reintegration, the outcomes of the International Conference on the Roles of Women and Children in Terrorism, as well as other relevant Council of Europe standards concerning the rights of the child and international standards in this area.

Expected output: Guidelines on (re)integration programs for children affected by terrorism.

Working methods: The CDCT will establish a working group of experts in the areas of reintegration and children's rights tasked with the production of the aforementioned Guidelines.

Possible partners: Steering Committee for the Rights of the Child (CDENF), Gender Equality Commission (GEC), EU Radicalisation Awareness Network (RAN)

Proposed deadline: December 2025

3.3 **Activity:** Preparation of a model Strategy on the whole-of-society approach to disengagement and social reintegration.

Reasons: Research and practical experience with disengagement and reintegration policies has confirmed numerous times a need for involvement of multiple stakeholders, public, private and non-governmental, in this effort in order to be able to tackle different aspects of the problem and achieve the best results. The CDCT broached this issue through Recommendation CM/Rec(2021)7 on measures aimed at protecting children from radicalisation for the purpose of terrorism and its work on the Report on good practices regarding Deradicalisation, Disengagement and Social Reintegration, both of which identify and support the added value of including professionals and others from the education sector, youth support services, civil society, including women's

organisations, and the private sector, among others, in disengagement and social reintegration efforts. Through this activity, the CDCT aims to build upon these efforts by providing its members with a model Strategy to develop and implement a multi-stakeholder approach to disengagement and reintegration.

Expected output: Model Strategy on the whole-of-society approach to disengagement and social reintegration.

Working methods: The CDCT will form a working group comprised of disengagement and social reintegration professionals from different spheres and sectors (including the civil and the private sector) tasked with developing the model Strategy.

Possible partners: EU Radicalisation Awareness Network (RAN), Tech against Terrorism, GCTF.

Possible deadline: December 2026

3.4 **Activity:** Preparation of a draft Recommendation on measures for juveniles* suspected of involvement in terrorist activities.

Reasons: Children can be particularly vulnerable to radicalisation to terrorism, and measures should be in place to prevent and protect children against this phenomenon. Previous CDCT Recommendations recognised the importance of first-line practitioners and others in preventing children from radicalising to terrorism. However, when children are suspected of committing a terrorist offence or carrying out an act of terrorism, States should ensure that their rights continue to be protected. Given the need for special care and protection of children during judicial proceedings, in line with relevant Council of Europe standards in the area of children's rights and juvenile justice, namely the Council of Europe Guidelines on Child-friendly Justice, the CDCT will look at effective approaches and good practices for law enforcement and other criminal justice actors when it comes to handling cases involving juveniles suspected of involvement in terrorism.

Expected output: Aimed mainly at criminal justice entities, particularly law enforcement, prosecutors and judicial bodies, the CDCT will develop a Recommendation on measures for juveniles suspected of involvement in terrorist offences.

Working methods: The CDCT, working with the European Committee on Crime Problems (CDPC), will organise an expert working group to develop a Recommendation, supported by academic experts in the field of juvenile justice.

Possible partners: European Committee on Crime Problems (CDPC), Steering Committee on the Rights of the Child (CDENF), EU Radicalisation Awareness Network (RAN)

Proposed deadline: December 2026

3.5 **Activity:** Preparation of a draft Recommendation on the targeting of public figures and representatives of public entities by terrorist actors.

Reasons: Attempted assassinations, attacks, and hate speech targeting public figures and politicians, primarily by individuals inspired by violent far-right and violent far-left ideologies, have recently been observed as a concerning trend in several countries. Depending on the target and specific intent of the perpetrators, some jurisdictions have characterised such attacks as terrorism. Further action to address this trend would benefit from a reconsideration of approaches to safeguarding potential targets, as well as developing common views on handling and processing individuals responsible for such attacks.

Expected output: Draft Recommendation on terrorist targeting of public figures and representatives of public entities.

Working methods: For the purpose of producing the draft Recommendation, the CDCT will form a specialised working group composed of law enforcement, intelligence experts, and other criminal justice professionals tasked with analysing specific aspects of threat analysis, protection and response to these attacks and proposing good practices and effective approaches to address this trend.

Possible partners: Venice Commission, MSI, and CDADI

Proposed deadline: December 2027

3.6 **Activity:** Development of guidance for public and private sector authorities on preparedness and emergency responses to the immediate aftermath of terrorist attacks.

Reasons: In 2021 and 2022, the CDCT organised two events that discussed public and private emergency sector responses to terrorist attacks, namely the Symposium on "Support to Victims of Terrorism in Cross-Border Situations" and the Seminar on "Law Enforcement and Emergency Services Responses during and in the Immediate Aftermath of Terrorist Attacks". Both events highlighted the need for further guidance with regards to preparedness, multi-agency co-operation and co-ordination (including public outreach, media outlets, and in relation to specific Chemical, Biological, Radiological and Nuclear (CBRN) responses), as well as the need for effective management structures and trainings. Drawing from the previous experiences of States, a number of experts and practitioners participating in these events underlined the need for a more consolidated approach.

Expected output: Guidelines for public and private sector authorities on preparedness and emergency responses to the immediate aftermath of terrorist attacks.

Working Methods: The CDCT will establish a working group of experts in the area of emergency response and crisis management, including relevant public and private authorities and agencies, to analyse experiences and lessons learned by members and produce the aforementioned Guidelines.

Possible partners: GCTF

Proposed deadline: December 2023

3.7 **Activity:** Establishment of good practices on supporting victims of terrorism in the form of guidelines.

Reasons: Several actions carried out under the previous Counter-Terrorism Strategy (2018-2022) indicated the diversity of practices across jurisdictions concerning the provision of support to victims of terrorism, particularly in relation to foreign nationals. Article 13 of the Convention on the Prevention of Terrorism (No.196) on the "Protection, Compensation and Support for Victims of Terrorism" underlines that measures that are necessary to protect and support victims of terrorism shall be adopted, subject to national legislation. Existing national efforts to co-ordinate assistance to victims of terrorist attacks should be supported by guidelines containing good practices on the establishment, administration and management of services and structures to support victims of terrorism, particularly with transnational dimensions.

Expected output: Guidelines on support services and other measures for victims of terrorism.

Working Methods: The CDCT will establish a specialised working group composed of national bodies responsible for supporting the victims of terrorism, including members of the CoE Network of Single Contact Points for the Exchange of Procedural Information regarding the Legal Standing of Victims of Terrorism. In this process, the working group will consult with the aforementioned Network, as well as other similar networks where relevant.

Possible partners: European Committee on Crime Problems (CDPC), the Committee on Human Rights (CDDH), MONEYVAL, EU Centre of Expertise for Victims of Terrorism, UNOCT, EU Network of Single Contact Points for Victims of Terrorism, Eurojust.

Proposed deadline: December 2025

3.8 **Activity:** Preparation of a publication on good practices to review and supervise the implementation of anti-terrorism legislation in accordance with the rule of law.

Reasons: The Convention on the Prevention of Terrorism (CETS No. 196) will have been in force for twenty years in 2027. Alongside significant advancements in the international legal framework, the breadth, quantity and complexity of domestic terrorism laws have expanded extensively in that timeframe, in some cases leading to an unwieldy and challenging legal environment for the investigation and prosecution of terrorist offences while also ensuring compliance with relevant principles of human rights and the rule of law. Some jurisdictions have recently started processes to review their broader counter-terrorism framework with a view to consolidating and reforming their legislative framework. As such, the CDCT, in co-operation with the review mechanism envisaged under the Committee of the Parties to Convention No. 196 and the updated Country Profiles prepared by CDCT members, will organise roundtables on good practices to review or reform domestic legal frameworks in order to ensure that it is fit for purpose and capable of effectively and efficiently addressing contemporary terrorism threats.

Expected output: The CDCT will develop a publication on good practices to review or supervise the implementation of anti-terrorism legislation.

Working methods: The CDCT will draft a publication, drawing from the country profiles and other available sources of information. The CDCT will also organise a roundtable event with relevant departments of the Council of Europe and representatives of national legislative and judicial bodies to support the development of the publication.

Possible partners: Consultation of the Parties (COP) to the CETS 196, Parliamentary Assembly of the Council of Europe (PACE), Venice Commission, Department for the Execution of Judgments of the European Court of Human Rights

Proposed deadline: December 2027

[1] While the CDCT uses the term “violent far-right” in respect of this particular phenomenon, it also acknowledges the use of different terminology used at national and international settings which may describe similar and related concepts, such as “terrorist attacks on the basis of xenophobia, racism and other forms of intolerance, or in the name of religion or belief” (XRIRB), “violent right-wing extremism” (VRWE), extreme right-wing terrorism (ERWT), as well as “racially or ethnically motivated violent extremism” (REMVE).

[2] This Report is not a legally binding document.

[3] Pp. 15 & 5 of the ETT Report, See also Europol, TE-SAT, 2022.

[4] Hemmingby C., ‘Exploring the Continuum of Lethality: Militant Islamists’ Targeting Preferences in Europe’, Perspectives on Terrorism, Vol. 11, No. 5 (2017).

[5] Europol, TE-SAT, 2022.

[6] See also, GCTF, Memorandum on criminal justice approaches to the linkages between terrorism and core international crimes, sexual and gender-based violence crimes, human trafficking, migrant smuggling, slavery, and crimes against children, September 2021.

[7] See the United Nations Convention on the Rights of the Child.


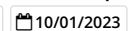


[8] CDCT-BU, “The Added Value of a Pan-European Definition of Terrorism for the 2005 Warsaw Convention”, CDCT-BU (2018)1.

* Juveniles are to be understood as children who can be criminally prosecuted based on national legislation.

Related documents


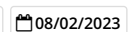


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[1456/10.1a] Council of Europe Committee on Counter-Terrorism (CDCT) - a. Abridged report of the 9th plenary meeting (Strasbourg, 30 November – 2 December 2022)

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