

COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER) COUNCIL OF EUROPE COMMITTEE ON COUNTER-TERRORISM (anacronym)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Steering Committee

Terms of reference valid from: 1 January 2018⁶ until 31 December 2019⁷

MAIN TASKS

Under the authority of the Committee of Ministers, **CODEXTER** [acronym of the Steering Committee on Counter-Terrorism] shall identify priority elements for intergovernmental legal cooperation, propose to the Committee of Ministers areas for action in the field of counter-terrorism, by providing scientific advice, collecting information, conducting activities in this area and advise the Committee of Ministers on all questions within its area of competence. With this purpose, the [acronym of the Steering Committee on Counter-Terrorism] **CODEXTER** is instructed to:

- (i) follow the implementation of the Council of Europe instruments applicable to the fight against terrorism, in particular the effective implementation of the Convention on the Prevention of Terrorism (CETS No. 196) and its Additional Protocol (CETS No. 217);
- (ii) co-ordinate the work of all Council of Europe inter-governmental committees as far as ~~action-againstcounter-~~terrorism is concerned;
- (iii) continue the work: on country profiles on legislative and institutional counter-terrorism capacity of member States, on the development and exchange of "best practices" concerning, inter alia, preventing and suppressing terrorism, on financing of terrorism, on "foreign terrorist fighters", on ~~"terrorists-acting-alone"~~ and on disengagement from terrorism and deradicalisation, as well as on the examination of other legal and practical priority issues related to the effective prevention and suppression of terrorism in full respect of the rule of law and democratic values, human rights and fundamental freedoms, as well as other provisions of international law, including international humanitarian law when it is applicable;
- (iv) identify possible additional priority activities against terrorism and make appropriate proposals to the Committee of Ministers with a view to intensifying the Council of Europe's action against terrorism, including through preventative measures;
- (v) provide an intergovernmental setting for the negotiation and finalisation of draft legal instruments of draft amendments to existing legal instruments prepared by ad hoc committees and committees of parties;
- (vi) take due account of a gender perspective in the performance of its tasks;
- (vii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers;
- (viii) contribute to co-operation and support activities to national initiatives in this field;
- (ix) without prejudice to the mandates of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies or convention mechanisms;
- (x) in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility¹, in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.

PILLAR / SECTOR / PROGRAMME

Pillar: Rule of Law

Sector: Countering Threats to the Rule of Law

Programme: Corruption and Threats to the Rule of Law: Organised crime, Terrorism, cybercrime, counterfeiting of medical products, Money laundering – MONEYVAL – and trafficking in human beings, GRETA.

SPECIFIC TASKS

- (i) Co-ordinate the Council of Europe counter-terrorism activities~~ion~~;
- (ii) ~~Examine the feasibility of elaborating and agreeing a pan- European legal definition of terrorism, and, if appropriate, elaborate such a definition to replace the current Article 1 of the Council of Europe Convention on the prevention of Terrorism (CETS No. 196);~~
- (iii) ~~Provide the necessary follow-up to the~~Elaborate, and oversee the implementation of, a Council of Europe Action Plan to combat extremism and radicalisation leading to terrorism (2015-2017) Counter-Terrorism Strategy for the period 2018 – 2022 focusing on prevention, prosecution, protection and legal measures;
- (iv) ~~Examine the need for updating the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198), and, if appropriate, elaborate a draft Additional Protocol updating the provisions on financing of terrorism;~~
- (v) Provide further analysis of ~~by the Committee~~the latest terrorist trends topical developments in the counter-terrorism area (such as the phenomena of foreign terrorist fighters, ~~terrorists-acting-alone~~, self-radicalisation and the role of the Internet in

¹ Cf. relevant decision of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in Appendix 1.

- terrorism, the juvenile justice response to terrorism, the roles of women and children in terrorism) and, where appropriate, draft guidelines and identify relevant best practices;
~~Review and update Recommendation Rec(2005)10 of the Committee of Ministers to member States on the use of "special investigation techniques" in relation to serious crimes including acts of terrorism;~~
- (iv)(vi) Provide follow-up, inter alia, in the form of a binding or non-binding legal instrument, of at least one shortcoming in international law;
- (v)(vii) ~~Elaborate or update at least ten~~Examine and agree for publication new or updated -country profiles as necessary;
- (vi)(viii) ~~As necessary~~Where appropriate, organise one or more Council of Europe counter-terrorism conferences. Promote internationally the Council of Europe standards applicable to counter-terrorism through participation in the international counter-terrorism effort.
- ~~(vii) Publish a report providing an overview of the implementation of certain provisions of the Convention on the Prevention of Terrorism (CETS No. 196) by the Parties;~~
- ~~(viii) Further develop the database on the jurisprudence of the European Court of Human Rights relevant for the fight against terrorism.~~

COMPOSITION

Members:

Governments of member States are invited to designate one or more representatives of the highest possible rank with responsibility at the national level for the planning and/or development and/or implementation of policies relevant to the work of the Committee and with extensive knowledge of legal or financial questions concerning terrorism.

The Council of Europe budget will bear the travelling and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

Participants:

The following may send a representative without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- [Office of the Commissioner for Human Rights](#)
- European Committee on Legal Co-operation (CDCJ);
- European Committee on Crime Problems (CDPC);
- Steering Committee for Human Rights (CDDH);
- Steering Committee on Media and Information Society (CDMSI);
- Other Council of Europe intergovernmental committees as appropriate;
- Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

The following may send representatives, without the right to vote and without the defrayal of expenses:

- European Union (one or more representatives, including, as appropriate Europol and Eurojust);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- United Nations;
- International Criminal Police Organisation-Interpol (ICPO-Interpol);
- Organisation for Security and Co-operation in Europe (OSCE);
- Organization of American States (OAS);
- Organization for Democracy and Economic Development (GUAM);
- Commonwealth of Independent States (CIS);
- International Committee of the Red Cross (ICRC);
- The Global Counterterrorism Forum (GCTF).

Observers:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities.

WORKING METHODS

Plenary meetings:

48 members, 2 meetings in ~~2016~~2018, 32 days

48 members, 2 meetings in 2019~~17~~, 32 days

~~Pursuant to the adoption at the 18th meeting of the CODEXTER (7-8 April 201) of the monitoring mechanism of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and subsequent decision of the Ministers' Deputies on 7 July 2010, subject to its decision, the Group of Parties to the Convention is invited to hold its one-day meetings prior to/after the meetings of the CODEXTER.~~

Bureau:

7 members (the Chair, the Vice-Chair, the Chair of the Group [Consultation](#) of [the](#) Parties and four members of the Committee), 2 meetings in 2018⁶, 1 day

7 members (the Chair, the Vice-Chair, the Chair of the Group [Consultation](#) of [the](#) Parties and four members of the Committee), 2 meetings in 2019⁷, 1 day

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

APPENDIX 1 – RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS

CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments of additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

CODEXTER STEERING COMMITTEE ON COUNTER-TERRORISM (acronym)	
90	European Convention on the Suppression of Terrorism
190	Protocol amending the European Convention on the Suppression of Terrorism
196	Council of Europe Convention on the Prevention of Terrorism
217	Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism
198	Council of Europe Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism