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COUNCIL OF EUROPE COMMITTEE ON COUNTER-TERRORISM (CDCT)

2nd Plenary Meeting

Strasbourg (France), 13-15 November 2018

Abridged Report and List of Items discussed and Decisions taken

Secretariat of the Counter-Terrorism Division
Information Society - Action against Crime Directorate, DG I

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The Council of Europe Counter-Terrorism Committee (CDCT) meeting in Strasbourg on 13-15 November 2018, under the Chairmanship of Mr Mario JANEČEK (Bosnia and Herzegovina), has decided to:

1. Opening of the meeting

- Take note of the opening remarks by Director Jan KLEIJSEN, Information Society and Action against Crime Directorate, notably that the Thematic Session on “Terrorism and the Internet” marks an important step forward in the cooperation between member States and the internet industry, which was initiated in November 2017. Mr KLEIJSEN also noted that the implementation of the Council of Europe Counter-Terrorism Strategy is well under way.
- Extend a warm welcome to Ms Michèle CONINSX, Executive Director of the Counter-Terrorism Executive Directorate (CTED) and Assistant Secretary-General of the United Nations to the 2nd Plenary Meeting of the CDCT.
- Take note of the presentation by Ms CONINSX, who spoke about the threats posed by terrorist organisations and how CTED is responding to it, *inter alia*, by conducting numerous concrete assessments of national counter-terrorism strategies in States in all parts of the world and by providing guidance to States on issues ranging from stemming the flow of foreign terrorist fighters over the application of PNR systems, the use of biometric data in counter-terrorism, human rights and gender issues, social rehabilitation and reintegration of former terrorists, and public-private partnerships.
- Hold an exchange with Ms CONINSX on issues of common interest in the area of preventing and suppressing terrorism, globally and in Europe.
- Recalling the work already done by the Council of Europe to assist in the implementation of relevant United Nations Security Council Resolutions, express its continued commitment to working closely with the United Nations in the fight against terrorism.
- Take note that as a practical follow-up to the visit of Ms CONINSX, the Secretariat will work with CTED to establish a list of common priorities to guide future cooperation.

2. Adoption of the agenda

- Adopt the agenda.

3. Communication by the Chair and the Secretariat

- Take note of the information provided by the Chair, Mr JANEČEK concerning his participation in the 1st Meeting of the Chairs of the Inter-Governmental Committees, Strasbourg, 20 September 2018. The meeting provided the Chairs with a forum to share experiences and discuss how to improve working methods in the standard-setting inter-governmental activities and raise the awareness (in Strasbourg as well as in capitals) of the crucial importance of the standard-setting activities for all branches of the Council of Europe. The Chairs also held an exchange with the Secretary General. Mr JANEČEK also represented the Committee in a Parliamentary Conference, organised by the PACE and entitled “Building democratic security in the Mediterranean: common challenges, shared responsibility” which took place in Dubrovnik, Croatia, on 6 November 2018. The Chair spoke on the topic of “Council of Europe tools to address threats to the rule of law”.

- Take note of the information provided by the Secretary, Mr Carlo CHIAROMONTE, concerning the participation of the Secretariat in a number of counter-terrorism related conferences organised by the OSCE and the GCTF respectively.

4. Council of Europe Counter-Terrorism Strategy – Future work and activities of the CDCT

- On the proposal by the Bureau, postpone the Counter-Terrorism Conference on the Roles of Women and Children Returnees Involved in Terrorism-related Offences (Activity 3.5 of the CoE Counter-terrorism Strategy) to 2020.
- On the proposal by the Bureau, instruct the Secretariat to prepare a workshop for judges and prosecutors on the Conduct of Criminal Trials against, and the prosecution of, Foreign Terrorist Fighters, including Returnees and Relocators (Activity 2.3 of the CoE Counter-Terrorism Strategy) for May/June 2019. The workshop should contain a specific component on the prosecution of female foreign terrorist fighters, including returnees and relocators, and should also deal with issues related to mutual legal assistance in criminal matters.
- Express its gratitude to Spain for offering to host the aforesaid workshop.
- Revert to the questions of establishing a working group on “preventing and countering terrorist public provocation, propaganda, recruitment and training on the internet” (Activity 1.2 of the CoE Counter-Terrorism Strategy) and on organising a conference on “mutual legal assistance in criminal matters; extradition and the use of joint investigative teams in relation to terrorism” at the occasion of the 4th Plenary Meeting of the Committee.
- Refer to its decision of 16 – 18 May 2018 concerning the establishment of a working group on the “gathering of evidence from conflict zones for the purpose of criminal prosecution” (Activity 2.1 of the CoE Counter-Terrorism Strategy), the work of which shall be initiated in 2019.

5. Sub-Group for the purpose of examining the feasibility of elaborating a definition of terrorism (CDCT-DEF)

- Take note of the information provided by the Chair of the CDCT-DEF, Mr PIACENTE, concerning the state of play with regard to the examination of the feasibility of elaborating a definition of terrorism to replace or augment the current wording of Article 1 of the Convention, namely that the CDCT-DEF held its first meeting (of three) on 16 – 17 October in Strasbourg, where it discussed the various legal options available in terms of updating or replacing Article 1. The CDCT-DEF also engaged in a preliminary exercise in identifying the constituent elements of a possible definition. The CDCT-DEF will hold its next meeting on 26 – 27 February 2019.

6. Working Group on the establishment of a set of indicators for assessing the risk that a terrorist attack may be carried out by radicalised individuals (CDCT-RI)

- Take note of the information provided by the Chair of the CDCT-RI, Mr Gábor HORVÁTH (Hungary), concerning the state of play with regard to the establishment of a set of risk indicators relevant for “terrorists acting alone” (Activity 1.3 of the CoE Counter-terrorism Strategy). The CDCT-RI met for the first time in Zagreb, Croatia, at the premises of the Ministry of Foreign and European Affairs, on 29 – 30 October 2018. Experts of 11 member States participated in a

first stock-taking and brain storming exercise to preliminarily identify, on the basis of existing national risk assessment tools, the parameters that should be applicable to the set of risk indicators. On the basis of these deliberations the Secretariat was instructed to prepare a first draft of a manual to contain the risk indicators themselves as well as guidance on, and safeguards governing, their application. For security reasons, the experts recommend applying the highest level of Council of Europe classification to this manual. The next meeting of the CDCT-RI will be held in mid-March (date and place to be confirmed). Currently, the assessment is that a minimum of three meetings will be necessary in order for the Working Group to fulfil its task.

7. Terrorism and transnational organised crime (CDCT-TTOC)

- Take note of the information provided by its Secretary, Mr CHIAROMONTE, concerning the state of play with regard to the work carried out by the joint CDCT-CDPC Working Group on “terrorism and organised crime” (CDCT-TTOC) (Activity 2.5 of the CoE Counter-Terrorism Strategy). The CDCT-TTOC held its first meeting in Paris on 10 October 2018. The Working Group is composed of experts of member States and a representative of CTED and is assisted by Professor Ana SALINAS DE FRÍAS (University of Málaga). The CDCT-TTOC will focus its work on operational aspects, sharing of best practices, enhancing research, use of existing relevant CoE and other international instruments, as well as collaborative strategies. The end-product should be a legal document, such as guidelines. The CDCT-TTOC will hold its next meeting on 30 January 2019 in Paris.
- Endorse the instructions given by the Bureau to the CDCT-TTOC concerning adopting a holistic approach to the links between terrorism and transnational organised crime, by focusing its work on thematic areas, such as, but not limited to, the involvement of terrorist groups in organised crime through trafficking of small arms and weapons, trafficking of human beings and smuggling of migrants, as well as trafficking in drugs.

8. Conference on the roles of women and children in terrorism

- Refer to its decision concerning the postponement of the Counter-Terrorism Conference on the Roles of Women and Children Returnees Involved in Terrorism-related Offences from 2019 to 2020, cf. agenda item 4, above.
- Take note of the Concept Paper on the Counter-Terrorism Conference on the Roles of Women and Children Returnees Involved in Terrorism-related Offences prepared by the Gender Equality Rapporteur, Ms Tanja KIKEREKOVA (“the former Yugoslav Republic of Macedonia”), and the Secretariat.
- Underline that despite the postponement of the Conference, the topic will remain a priority to the CDCT.
- Instruct the Secretariat to continue the preparations for the Conference and report thereon to the CDCT on a regular basis, taking into account that also other terrorist groups involve women and children in their criminal activities.

9. Thematic session – terrorism and the internet

- Take note of the outcome of the thematic session held on 14 November.
- Thank the participants and speakers for their excellent contributions.

- On a regular basis hold meetings with representatives of the internet industry to discuss issues relating to the exploitation of the internet by terrorists, and as appropriate, also invite representatives of civil society.
- 10. The Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)**
- Take note of the information provided by the Chair of the Consultation of the Parties concerning the 3rd Consultation of the Parties, Strasbourg, 13 November 2018, in particular that the Consultation of the Parties has decided to launch a second assessment round in 2019, focusing on the Additional Protocol and starting with Articles 4, 5 and 6. The 4th Consultation of the Parties will take place back-to-back with the 4th Plenary Meeting of the CDCT.
 - Take note that the total number of ratifications for the Convention is now 40, and the corresponding number for the Additional Protocol is 16.
 - Call on all member States, which have not yet done so, to sign and ratify the Convention and its Additional Protocol as soon as possible.
- 11. Country profiles on counter-terrorism capacity and information on measures taken at national level against terrorism**
- Take note that the Country Profile submitted by Portugal will be examined and approved for publication on the website of the CDCT at its next meeting.
 - Bearing in mind the importance of this form of exchange of information, call on all member States, which have not yet done so, to submit new or updated Country Profiles.
- 12. Items for information**
- Take note of the information provided by the Secretariat concerning the 24/7 Foreign Terrorist Fighters Network of Contact Points and on the 74th Plenary Meeting of the European Committee on Crime Problems (CDPC).
 - Take note of the information shared by the Swiss Delegation concerning the on-going activities of the T-CY.
- 13. Any other business**
- Take note that no issues were raised under this agenda item.
- 14. Date and place of the 3rd and 4th Plenary Meetings of the CDCT**
- Hold the 3rd Plenary Meeting of the CDCT in Strasbourg on 14 – 15 May 2019 and the 4th Plenary Meeting in Strasbourg on 19 – 21 November 2019.
- 15. Adoption of the Abridged Report and List of Items discussed and Decisions taken**
- Adopt the Abridged Report and List of Items discussed and Decisions taken.

APPENDIX

Strasbourg, Tuesday, 13 November 2018

Statement of

**Ms. Michèle Coninx
Assistant Secretary-General
Executive Director,
Counter-Terrorism Committee Executive Directorate (CTED)**

**“Latest Developments in the work of the United Nations Counter-Terrorism Committee
Executive Directorate (CTED)”**

Excellencies, ladies and gentlemen,

Allow me to begin by thanking the Council of Europe and its Counter-Terrorism Committee for inviting me to address you all here, today, on the latest developments in the work of the United Nations Counter-Terrorism Committee Executive Directorate (or “CTED”).

As you are all aware: terrorist groups, including ISIL, Al-Qaida, and their affiliates, continue to pose grave threats to peace and security around the world.

ISIL has suffered significant losses, but it has transformed itself into a global network, which continues to motivate its supporters and followers around the globe to commit attacks.

The growing sophistication of the methods used by terrorists requires that we be innovative in our responses, while also ensuring that those responses that are already in place remain effective and sustainable.

With respect to foreign terrorist fighters, we are now concerned, not just about those who remain in the conflict zones, but also about those who return or relocate, and their family members, and about the potential risks posed by the forthcoming release of imprisoned FTFs and of others convicted on terrorism-related charges.

I cannot overstate the importance of continuing to develop and implement new and innovative approaches and tools to ensure an effective response to these evolving threats.

To support Member States’ efforts in this regard, the assessment visits conducted on behalf of the Counter-Terrorism Committee enable CTED to identify the challenges faced by Member States in addressing the terrorist threat and to recommend legislative, institutional and practical measures to be taken in order to overcome those challenges and to address the threat effectively.

We may also recommend the facilitation of technical assistance delivery, in combination with our many UN and external partners.

Thus far, we have conducted 150 assessment visits to Member States of all regions of the world, including developed and developing States.

Our assessment dialogue provides a bird's-eye view of the national counter-terrorism responses, measured against a broad range of international standards and Security Council resolutions.

That dialogue also aims to ensure that Member States of different regions cooperate faster and more effectively than their adversaries, the terrorists.

In addition to country assessments, CTED also engages in a number of other activities on behalf of the Counter-Terrorism Committee.

Allow me to note just a few.

First, as I'm sure you're also all aware, in 2015, the Committee held a special meeting, in Madrid, Spain, which resulted in the adoption of the "Madrid Guiding Principles" on stemming the flow of foreign terrorist fighters.

Those principles were formulated on the basis of the relevant international, regional and national good practices.

On 13 December, in New York, the Committee will hold a further special meeting to update those principles in light of Security Council resolution 2396, adopted in 2017, which addresses FTFs, FTF returnees and relocators and their family members, and other related and emerging threats.

I look forward to the active participation of all Member States. And I am also delighted to learn that the Council of Europe will be among the participants.

Second, pursuant to Council resolution 2396 (2017), CTED is closely engaged with Member States and with the relevant international and regional organizations, including ICAO, to support Member States' implementation of advance passenger information (API) and Passenger Name Records (PNR) systems.

And we do so because the evolving threat posed by terrorists and FTFs requires that law enforcement and border-control authorities at international airports and other entry points take steps to strengthen their security measures.

The introduction of API, supplemented by PNR, is essential to the identification, detection, and interception of suspected FTFs and other high-risk passengers.

Third, CTED has been working actively with many of its partners to enhance the use of biometric data to identify terrorists.

Our efforts in this area, and those of our partners, led to the recent issuance of the *United Nations Compendium of Recommended Practices for the Responsible Use and Sharing of Biometrics in Counter-Terrorism*, which was developed within the framework of the Counter-Terrorism Implementation Task Force.

As in the case of all our recommendations, we consistently remind Member States that the use of biometric data should be in accordance with international human rights law.

Fourth, we continue to support the development of comprehensive and tailored prosecution, rehabilitation and reintegration strategies for former members of terrorist groups.

Here, we also focus on the many evidentiary and jurisdictional challenges that may pose challenges to attempts to prosecute returning FTFs.

A few weeks ago, CTED, UNODC and the International Association of Prosecutors jointly launched the *Practical Guide for requesting Electronic Evidence Across Borders for investigators, prosecutors and central authorities*.

Fifth, human rights and gender issues are streamlined throughout all activities of the Committee and CTED, including within the framework of our assessment visits and the thematic briefings delivered to the Committee by our partners.

In June, for example, the Committee held a briefing on children and terrorism, with the participation of the Special Representative of the Secretary-General on children and armed conflict and of UN University.

In September, the Office of the High Commissioner for Human Rights and the United Nations Office of Counter-Terrorism joined the Committee for a briefing on the human rights aspects of counter-terrorism, including the rights of victims and survivors.

Sixth, in advancing the Committee's policy of transparency and sharing its findings, in accordance with Security Council resolution 2395 (2017), the Committee held an open briefing on Central Asia, focusing on the current counter-terrorism situation in the region, the progress achieved by the five States of the region, and the remaining challenges.

During the briefing, CTED and Member States briefed the international community on the region's priority technical assistance needs.

Under-Secretary-General Vladimir Voronkov who heads the UN Office for Counter-Terrorism, also joined the briefing.

The Under-Secretary-General and I continue to engage jointly with those Member States, and others that have been mostly affected by terrorists and foreign terrorist fighters, including through high-level consultation visits to Iraq, Kenya, Nigeria, Tajikistan and Turkmenistan.

We are currently placing a joint representative in Baghdad to help ensure that our joint efforts and those of our partners make an impact in the field, and we plan to share lessons learned in this regard with other Member States so as to establish further good practices in other parts of the world.

Seventh, together with our partners, we continue to assist Member States in a number of thematic areas, including preventing terrorists from misusing information and communications technologies.

CTED, for example, supports *Tech Against Terrorism* project, which aims to support the global technology industry, including small start-up companies, to tackle terrorist exploitation of their technologies.

We are also addressing countering incitement and violent extremism leading to terrorism, including by working with Governments to develop counter-narratives, enhancing the practices of private online communications service providers, and empowering online communities.

And we continue to address Member States' measures to investigate the possible links between transnational organized crime and terrorism (and especially human trafficking and terrorism) pursuant to Council resolutions 2331 (2016) and 2388 (2017).

Together with UNICRI, we recently organized an open briefing for the Committee on the nexus between international terrorism and transnational organized crime.

Eighth, in response to the evolving threats against critical infrastructure and soft targets, the Security Council adopted resolution 2341 (2017) and encouraged Member States to consider possible preventive measures in developing national strategies and policies to address those threats.

In turn, CTED, acting within the framework of the CTITF Working Group on the Protection of Critical Infrastructure, including Vulnerable targets, Internet and Tourism Security, helped in developing an initiative leading to the issuance of the *Compendium of good practices on the protection of critical infrastructure against terrorist attacks*, in June 2018. The Compendium provides Member States with guidance and reference material for the development of strategies for reducing risks to critical infrastructure.

Ninth, we continue to promote and facilitate cooperation with other major actors and partners in the private sector, in civil society, and in the research community, including through our Global Research Network.

We publish terrorism trends reports on line and also send them to our partners in an effort to keep them apprised of the latest developments in terrorism and counter-terrorism.

Excellencies, ladies and gentlemen,

The global terrorist threat continues to evolve. Our responses must therefore also evolve, not only to keep pace with emerging threats, but to also be "ahead of the game" and prevent terrorists and their supporters from committing further atrocities.

We shall continue to maintain a direct and robust dialogue with all Member States and to work with our many partners, including the Council of Europe and its Counter-Terrorism Committee.

I look forward to working with you all and to fully utilizing all available tools and instruments to fight existing, new, and emerging threats.

And I wish to reiterate the need for us all to do so in accordance with the relevant Council resolutions, international counter-terrorism instruments, norms and standards, and in compliance with international law, including human rights law, refugee law and humanitarian law.

Thank you.