

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation CM/Rec(2018)XX
of the Committee of Ministers to member States
on terrorists acting alone**

(Adopted by the Committee of Ministers on ... at the ... meeting of the Ministers' Deputies)

Preamble

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater union among its members;

Recalling that the essential mission of the Council of Europe is the promotion of human rights, democracy and the rule of law;

Being aware of the important role that social media and the internet play in the process of radicalisation of terrorists acting alone;

Recalling that, in the Council of Europe Action Plan on the Fight against Violent Extremism and Radicalisation Leading to Terrorism (2015-2017), adopted by the Committee of Ministers on 19 May 2015 (CM(2015)74-addfinal), it was noted that the phenomenon of terrorists who act independently of cells and groups is a major concern, and that such terrorism is typically very difficult to detect in advance;

Being aware that some member States, having suffered attacks of this kind, have already gathered useful experience in identifying such terrorists at an early stage, and that it is vital to share this experience throughout Europe;

Having regard to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, "the Convention") and the case law of the European Court of Human Rights, especially with regard to Articles 2 (Right to life), 3 (Prohibition of torture), 5 (Right to liberty and security), 6 (Right to a fair trial), 8 (Right to respect for private and family life), 9 (Freedom of thought, conscience and religion), 10 (Freedom of expression) and 11 (Freedom of assembly and association) of the Convention;

Having regard to the following Council of Europe conventions and the recommendations and guidelines of the Committee of Ministers to the member States:

- the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 8 November 2001 (ETS No. 182);

- the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005 (CETS No. 196) and its Additional Protocol of 22 October 2015 (CETS No. 217);
- Recommendation Rec(2005)9 on the protection of witnesses and collaborators of justice;
- Recommendation CM/Rec(2015)6 on the free, transboundary flow of information on the Internet;
- Recommendation CM/Rec(2016)5 on Internet freedom;
- Recommendation CM/Rec(2017)6 on “special investigation techniques” in relation to serious crimes including acts of terrorism;
- the Council of Europe Guidelines for prison and probation services regarding radicalisation and violent extremism adopted by the Committee of Ministers on 2 March 2016;

Having regard to and taking into account the following UN Security Council resolutions:

- Resolution 1373 (2001) on threats to international peace and security caused by terrorist acts, 28 September 2001, S/RES/1373 (2001);
- Resolution 1624 (2005) on threats to international peace and security, 14 September 2005, S/RES/1624 (2005);
- Resolution 2178 (2014) on threats to international peace and security caused by foreign terrorist fighters, 24 September 2014, S/RES/2178 (2014);
- Resolution 2322 (2016) on threats to international peace and security caused by terrorist acts, 12 December 2016, S/RES/2322 (2016); and
- Resolution 2354 (2017) on threats to international peace and security caused by terrorist acts, 24 May 2017, S/RES/2354 (2017);

Recalling that States and their competent authorities have the primary role and responsibility in preventing and countering terrorism;

Having regard to the crucial role that various key actors – including parents, teachers, social workers, local authorities, religious leaders, youth workers and sport coaches – can play at local level in preventing and countering radicalisation leading to terrorism;

Being aware that, in particular, women and girls are often some of the most effective voices in preventing radicalisation leading individuals to terrorism;

Being aware that terrorist propaganda also targets young people and minors;

Taking into account the Council of Europe Handbook for prison and probation services regarding radicalisation and violent extremism and the Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons of the United Nations Office on Drugs and Crime;

Being aware that in the prevention and suppression of terrorism, member States may never act contrary to their obligations under international law, including international human rights law;

Considering that while a terrorist acting alone might not always act under instruction, the individual perpetrator may be part of an association or group that, *inter alia*, provides the pretext and support for the terrorist act;

Recognising that the misuse of the internet and social media can be an essential contributing factor in the radicalisation of terrorists acting alone, as instructions on how to commit terrorist acts can easily be disseminated and accessed online;

Taking into account that recent terrorist attacks have demonstrated that terrorists acting alone may also make use of simple and unsophisticated weapons and means, and that such attacks pose particular challenges to the competent authorities, because they have little or no time to prevent the terrorist act;

Having regard to the work carried out by an ad-hoc committee established by the Committee of Experts on Terrorism (CODEXTER) in order to draft a recommendation of the Committee of Ministers to member States on terrorists acting alone providing guidelines to member States on how to efficiently prevent and suppress this particular form of terrorism and to share good practice among member States,

Recommends that the governments of member States:

- i. be guided, when formulating their internal legislation and reviewing their pertinent practices, by the principles and measures appended to this Recommendation;
- ii. ensure that this Recommendation and the accompanying explanatory memorandum are translated and disseminated as widely as possible and give these principles and measures the necessary publicity through appropriate dissemination to competent authorities;
- iii. further strengthen international and domestic co-operation in criminal matters to enhance the exchange of information and best practices at the operational level.

Chapter I – Scope and definition

1. The aim of this Recommendation is to guide member States in determining what measures may be the most efficient to address the phenomenon of terrorists acting alone, including by preventing radicalisation leading to terrorism.
2. For the purpose of this Recommendation, a “terrorist acting alone” is any individual who prepares or commits a terrorist offence as defined by Article 1 of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196):
 - (i) without participating in, or being incited, instructed, supported by or otherwise linked to a terrorist association or group;
 - or
 - (ii) while acting alone in the preparation or commission of the terrorist offence is nevertheless incited, instructed, supported by or otherwise linked to a terrorist association or group, including through the internet.

Chapter II – Safeguards

3. In addressing the phenomenon of terrorists acting alone in their domestic law and practices, member States should act in accordance with the requirements of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, “the Convention”) and the relevant case law of the European Court of Human Rights, as well as other relevant international human rights standards. All measures taken under this instrument should be proportionate and in accordance with the rule of law. No measure should be applied in a way that is discriminatory as regards sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, or in any other way breaches the principle of the rule of law. All measures aimed at countering radicalisation leading individuals to terrorism should respect the basic principles of democracy.

Chapter III – Prevention of radicalisation leading individuals to terrorism

National criminal law measures and strategies

4. Member States are invited to take the necessary legislative measures to criminalise misconduct related to the phenomenon of terrorists acting alone, including foreign terrorist fighters, in particular returned foreign terrorist fighters (hereinafter “returnees”) insofar as they could become terrorists acting alone, such as public provocation to commit a terrorist offence, participation in an association or group for the purpose of terrorism, recruiting others for terrorism, providing or receiving training for terrorism as well as travelling abroad for the purpose of terrorism and financing or in other ways materially aiding such travels.
5. In this context, member States are invited to sign and ratify the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and its Additional Protocol (CETS No. 217) and adhere to and implement other relevant international instruments, in particular the UN Security Council Resolution 2178 of 24 September 2014 (S/RES/2178(2014)).
6. Member States are strongly encouraged to draw up, as necessary, national strategies for the prevention of radicalisation leading individuals to terrorism. Such strategies should provide for a multidisciplinary approach at both State and, where applicable, regional and local levels, and specifically address issues related to the phenomenon of terrorists acting alone, including foreign terrorist fighters and, in particular, returnees.

7. Member States are invited to consider establishing helplines for those seeking assistance and advice, also anonymously, on how to effectively counter a radicalisation process that may lead an individual to terrorism.

Promoting social cohesion and inclusive education in order to prevent terrorism

8. Member States should encourage social cohesion as a means of prevention of radicalisation leading individuals to terrorism. In this context, member States should promote social inclusion and dialogue, tolerance and peaceful coexistence. Measures aimed at eliminating any form of discrimination based on sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status should be adopted and implemented.
9. In accordance with their domestic law and international obligations, member States are encouraged to provide, to the extent possible and feasible, inclusive education for anyone who needs it, with a particular emphasis on individuals at risk of radicalisation leading to terrorism. Such education should include, *inter alia*, instruction on the principles of human rights, democracy and equality before the law of all citizens, inhabitants and other persons present on the territory of a member State.
10. Member States should encourage academic research on the phenomenon of terrorists acting alone and how to prevent it. They should also provide training, as appropriate, for law-enforcement, education and social-services professionals, as well as other front-line actors on the issue of radicalisation leading individuals to terrorism.
11. Member States should consider implementing public awareness-raising campaigns on the risks and consequences of radicalisation leading individuals to terrorism and on the importance of countering such radicalisation. To draw on the knowledge and experience of relevant communities, these campaigns could, where appropriate, be designed and implemented in co-operation with representatives of these communities and with the participation of front-line actors.

Devising narratives and messages countering terrorist propaganda

12. Member States are encouraged to devise tailored narratives and messages countering terrorist propaganda. Such narratives and messages should be based, *inter alia*, on factual information and testimonies of victims of terrorism, collaborators of justice and de-radicalised individuals, and should take due account of cultural specificities and sensibilities, including religious beliefs.
13. Where appropriate and necessary, member States should consider involving, among others, academic experts, civil society, religious leaders and community leaders in the preparation and distribution of narratives and messages countering terrorist propaganda. Member States are also encouraged to take into consideration relevant existing global instruments, in particular the UN Security Council Resolution 2354 of 24 May 2017 (S/RES/2354(2017)), as well as regional and national best practice to devise such narratives and messages.

Measures specifically aimed at returnees as potential terrorists acting alone

14. Without prejudice to criminal law measures, member States should take such other measures as are appropriate and necessary to prevent returnees from becoming terrorists acting alone, radicalising others and leading them to terrorism.
15. In this regard, member States are encouraged to ensure the timely exchange of information on the movements and activities of foreign terrorist fighters, including returnees, to provide mutual legal assistance as necessary and to improve the use of existing frameworks for both information exchange and mutual legal assistance, supplementing such frameworks where appropriate.

Chapter IV – Detection and interception

16. For law-enforcement purposes, member States are called upon to establish, or further improve, systems for assessing the risk that a terrorist attack may be carried out by terrorists acting alone. Such systems should contain relevant indicators identified, *inter alia*, using experience from previous attacks and related investigations, and should be used to determine if and when a radicalised individual is likely to resort to terrorism. Member States are encouraged to share their experience in applying these indicators and to consider establishing a common set of indicators.
17. Member States are encouraged to engage with relevant communities with a view to facilitating early detection of terrorists acting alone. Where appropriate, such engagement can take place through, *inter alia*, front-line actors and representatives of these communities.
18. Member States are also invited to consider establishing dedicated communication channels for the reporting of suspected terrorists acting alone to the relevant authorities, also anonymously where permitted by national legislation.
19. Member States are encouraged to make use, as appropriate, of intelligence-based policing methods, including by providing for effective community policing as a means of engagement with relevant communities in order to detect and intercept terrorists acting alone.
20. Bearing in mind that attacks may be committed by terrorists acting alone without any prior notice, member States should draw up contingency plans where appropriate to ensure a rapid response to such attacks by law-enforcement agencies in co-ordination with other relevant services, enabling the competent authorities to intercept the perpetrator(s) and minimise the impact of the attack. In this context, member States should provide law-enforcement and other relevant services with the necessary training and equipment to effectively react to a terrorist attack.
21. Member States are encouraged to provide necessary resources and appropriate training to community police officers, in particular enabling them to recognise suspected criminal behaviour on the basis of the indicators used for the risk assessment mentioned in paragraph 16.
22. Member States are also encouraged to make full use of special investigation techniques to detect and intercept terrorists acting alone and prevent acts of terrorism. Bearing in mind that terrorists may operate across several jurisdictions, member States are encouraged to exchange relevant information and consider the feasibility of establishing joint investigation teams to assist each other in detecting and preventing terrorist attacks and bringing suspected terrorists to justice.
23. Member States are called upon to take appropriate measures to prevent and disrupt the illicit transfer, destabilising accumulation and misuse of weapons, including small arms and light weapons, military equipment, unmanned aircraft systems and improvised explosive devices and their components, which enable terrorists acting alone to commit terrorist attacks. Such measures shall be taken in accordance with relevant international and regional instruments, in particular the UN Security Council Resolution 2370 of 2 August 2017 on threats to international peace and security caused by terrorist acts – Preventing terrorists from acquiring weapons (S/RES/2370 (2017)).

Chapter V – Disengagement and de-radicalisation

24. Member States are encouraged to establish disengagement and de-radicalisation programmes for individuals at risk of becoming terrorists acting alone. Without prejudice to criminal law procedures, member States are also encouraged to consider establishing de-radicalisation programmes specifically tailored to the situation of foreign terrorist fighters, including returnees. Where appropriate, such programmes should involve family members, as well as academic experts, civil

society, religious leaders and community leaders. Special consideration should be given to the particular needs of minors and individuals otherwise deemed vulnerable.

25. Member States are encouraged to consider setting up social reintegration programmes for de-radicalised individuals and individuals who have disengaged from terrorism with a view to re-establishing a sense of belonging to society at large.

Chapter VI – Role of civil society and the private sector

26. Recognising that preventing terrorism requires the participation of society as a whole, member States are encouraged to engage with civil society actors with a view to building trust and forging co-operation in preventing the radicalisation of individuals leading to terrorism and, where relevant, establishing disengagement, de-radicalisation and social reintegration programmes.
27. Where appropriate, member States are encouraged to identify and develop arrangements with civil society and the private sector, in particular with internet service providers and communication technology companies, for the purpose of preventing radicalisation leading to terrorism through the internet and facilitating the early detection of terrorists acting alone.

The role of civil society in countering radicalisation leading individuals to terrorism

28. Member States should, as appropriate, engage with relevant civil society actors to identify local pull-and-push factors in radicalisation leading individuals to terrorism, with a view to designing programmes to prevent and pre-empt such processes of radicalisation.
29. Member States should ensure that such programmes include early warning mechanisms for the timely detection of signs of radicalisation leading to terrorism, the devising of effective and tailored narratives and messages countering terrorist propaganda, and the provision of suitable activities promoting a sense of belonging to society at large, in particular as regards individuals at risk of radicalisation leading to terrorism.

The role of the internet and social media

30. Member States are encouraged to take measures, legislative or otherwise, to effectively counter radicalisation leading individuals to terrorism through the internet and social media. Where appropriate, member States should also work with the private sector to ensure that narratives and messages countering terrorist propaganda are readily available on the internet.
31. Member States are called upon to make full use of existing frameworks, or establish new ones, to liaise with the private sector, especially internet service providers, on the countering of radicalisation leading individuals to terrorism. As necessary, such frameworks could provide for the filtering and removing of illegal content and the blocking of access to websites and social media accounts. Such frameworks could also include the establishment of referral mechanisms and expedited procedures for removing such illegal content.

Chapter VII – Co-ordination within States and co-operation between States

Co-ordination within States

32. Member States should ensure, to the greatest extent possible, that relevant legislation and mechanisms are in place for efficient co-ordination between all competent authorities, both at State and local levels – including, where appropriate, information exchange – for the purpose of the early detection and prevention of terrorist offences prepared by terrorists acting alone. Member States should also ensure efficient co-ordination, among competent authorities, of measures for the prevention of radicalisation leading individuals to terrorism.

Co-operation between States

33. Member States are encouraged to identify and develop, where necessary and appropriate, additional arrangements to enhance their co-operation, including information exchange, as mentioned in paragraph 22, relevant for detecting terrorists acting alone and preventing them from committing terrorist offences.
34. Member States should, to the greatest extent possible, make use of existing arrangements for international co-operation, such as extradition, mutual legal assistance, the transfer of sentenced persons and the exchange of police information within the framework of the Council of Europe 24/7 Network on Foreign Terrorist Fighters, in relation to the early detection and prevention of terrorist offences prepared by terrorists acting alone and the prosecution and, where appropriate, de-radicalisation of such individuals. In particular, member States are encouraged to exchange best practices with regard to the prevention of radicalisation leading individuals to terrorism and, where relevant, disengagement, de-radicalisation and social reintegration programmes on a regular basis.

Chapter VIII – Review of the Recommendation

35. This Recommendation and its implementation may be assessed regularly and in the light of any significant developments in the area of terrorists acting alone and, if necessary, the Recommendation should be reviewed and revised accordingly.