

HELP High-level Conference: Countering cross-border crime- human rights implications

Conclusions

- **Wednesday, 20 & Thursday, 21 October.**
- Organised within the framework of the **EU-CoE project 'HELP Radicalisation prevention, judicial response to terrorism and international cooperation in criminal matters'** (HELP RP-TERR-ICCM).
- **Total number of participants: 98**
- **Participating countries:** Andorra, Belgium, Brazil, Bulgaria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Morocco, Montenegro, Poland, Portugal, Romania, Serbia, Slovakia, Spain, Sweden, The Netherlands, UK, USA.
- **Profile of participants:** Judges, prosecutors, lawyers, prison & probation officers, academics, psychologists, representatives of European institutions (CoE, EU, EUROPOL, EUROJUST, CEPOL, EUROPRIS), representatives of national governmental institutions (Ministries of Justice, Judicial Schools, Bars, etc.).

EU-CoE Project 'HELP Radicalisation Prevention, Judicial Response to Terrorism & International Cooperation in Criminal Matters' (RP-TERR-ICCM)

Conference Objective

The Conference focused on countering cross-border crime and its human rights implications and analysed how to improve international and multi-agency cooperation to tackle radicalisation, terrorism and organised crime.

The conference provided a unique opportunity for professionals involved in the justice system (judges, prosecutors, lawyers, security forces, policymakers) to exchange experiences and best practices with a multi-agency and transnational approach, with the aim of improving the practical application of European instruments in criminal matters.

The Conference built-up on the April 2019 [DG Justice-CoE High-Level Conference on 'Responses to prison overcrowding in Europe'](#) and the [Seminar on 'Reinforcing International Cooperation in Times of COVID-19'](#) organised within the framework of the Project HELP RP-TERR-ICCM, on 21 March 2021.

It also provided participants with practical information on the Council of Europe HELP Programme and how to implement HELP online courses at national level to increase the capacities of legal professionals.

Programme

Day 1 (20.10.2021)

9.00 – 9.30	Arrival and registration
9.30 - 10.00	Opening address <ul style="list-style-type: none"> ▪ Mr Mikhail LOBOV, Head of Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards, DG I, Council of Europe. ▪ H.E. Meglena KUNEVA, Ambassador of the European Union to the Council of Europe ▪ Ms Krisztina GOSZTONYI, Deputy Permanent Representative of Hungary to the Council of Europe. ▪ Ms Eva PASTRANA, Head of the Justice and Human Rights Training Division, CoE
10.00 - 11.00	European Union and Council of Europe priorities - European cooperation regarding cross-border crime. <i>An overview of strategies and actions adopted by both institutions in the past few years (networks, agencies, legislation).</i>

	<ul style="list-style-type: none"> ▪ Ms Anita VAN DE KAR-BACHELET, Head of Mutual Assistance Unit, Council of Europe (DG I). ▪ Mr Peter CSONKA, Head of Unit, Criminal Justice, DG JUST and Consumers, European Commission.
11.00 -11.15	<p>Overview of HELP courses related to international cooperation on countering cross-border crime.</p> <ul style="list-style-type: none"> ▪ Ms Eva MASSA, HELP Project Coordinator, Council of Europe.
11.15 – 11.30	<i>Coffee break</i>
11.30 – 13.00	<p>Roundtable - International Cooperation: challenges throughout the criminal process.</p> <p><i>Analysis of the most common challenges faced by the main actors involved in the criminal process: a) investigation and arrest (Law enforcement agents), b) judicial cooperation and mutual legal assistance (Judiciary) and c) transfer of prisoners and other prison/probation issues (Prison & Probation services)</i></p> <ul style="list-style-type: none"> ▪ Mr Michael GRINDAU, European Counter Terrorism Centre, EUROPOL ▪ Ms Vera PAVINSKA, Acting Head of Unit for Training and Research · European Union Agency for Law Enforcement Training (CEPOL). ▪ Ms Hilde VANDEVOORDE, Chair of the Eurojust Counter-Terrorism Team and National Member for Belgium. ▪ Ms Nadya RADKOVSKA, Vice-Chair of the CoE Council for Penological Cooperation (PC-CP)
13.00 – 14.00	<i>Lunch break</i>
<i>Simultaneous workshops</i>	
14.00-15.30	<p>WORKSHOP A- Returning Foreign Terrorists Fighters (FTFs), including returnee women & children.</p>
	<p><i>Challenges to returning and processing those clearly involved in terrorist activities: respect for human rights, security concerns, de-radicalisation.</i></p>
	<p>Chair/Moderator: Ms Jelena JOLIC, Counterterrorism Division CoE.</p> <ul style="list-style-type: none"> ▪ Dr Magnus RANSTORP, Leading Scholar on FTFs, Research Director at the Centre for Asymmetric Threat Studies at the Swedish Defence University & Special Adviser of the EU Radicalization Awareness Network (RAN). ❖ National experience: DENMARK. Mr Steffen SAIGUSA NIELSEN, East Jutland Police, Crime Prevention Section.

14.00-15.30	<p style="text-align: center;">WORKSHOP B – De-radicalisation/Dis-engagement programmes in Prison & Probation</p> <p style="text-align: center;"><i>Exchange of best practices regarding the implementation of de-radicalisation and disengagement programmes in Europe.</i></p> <p>Chair/Moderator: Mr Willem VAN DER BRUGGE, Secretary General of the Confederation of European Probation (CEP).</p> <ul style="list-style-type: none"> ▪ Mr Vivian GEIRAN, Member of the Council of Europe PC-CP and former Director of Irish Probation Service. ❖ National experience: SPAIN <p>Mr Ángel LÓPEZ MURIEL, Asesor de seguridad de la Dirección General de Ejecución Penal y Reinserción Social de Instituciones Penitenciarias, Spain.</p>
15.30 – 15.45	<i>Coffee break</i>
15.45-17.00	<p style="text-align: center;">WORKSHOP C - Supporting victims of crime/terrorism</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p><i>The important role of victims and survivors of terrorism in countering terrorist narratives.</i></p> </div> <p>Chair/Moderator: Prof. Ana SALINAS DE FRÍAS, Expert on counter-terrorism and radicalisation, Universidad de Málaga.</p> <ul style="list-style-type: none"> ▪ Ms Phoebe JAMIESON, Council of Europe Network for Victims of Terrorism ❖ National experience: GERMANY. <p>Ms Nane RETZLAFF, Legal Officer at the Secretariat of the Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences committed on National Territory (Germany)</p>
15.45-17.00	<p style="text-align: center;">WORKSHOP D – Cybercrime and human rights</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p><i>Challenges in investigating cybercrimes and protection of human rights.</i></p> </div> <p>Chair/Moderator: Mr Virgil SPIRIDON – Head of Operations of the Cybercrime Programme Office in Bucharest, Council of Europe.</p> <ul style="list-style-type: none"> ▪ Ms. Fernanda TEIXEIRA SOUZA DOMINGOS – CoE International Expert and Federal Prosecutor, São Paulo, Brazil. ❖ National experiences: UNITED STATES and SPAIN.

	<ul style="list-style-type: none"> - Mr. Benjamin FITZPATRICK – Senior Counsel, Computer Crime and Intellectual Property Section, Criminal Division, U.S. Department of Justice. - Mr. Javier ZARAGOZA TEJADA – Senior Prosecutor, expert in cybercrime, counsellor in the Spanish Constitutional Court.
17.15-18.00	Final conclusions

Day 2 (21.10.2021)

9.00-9.30	Arrival and registration
9.30-10.00	The Council of Europe HELP Programme – Human Rights Education for Legal Professionals Eva Pastrana, Head of the Justice and Human Rights Training Division, CoE.
10.00-10.45	Update on Current HELP Projects & new HELP Courses Eva Massa, HELP Project Coordinator, Council of Europe
10.45 – 11.00	<i>Coffee break</i>
11.00 – 12.00	How to implement a HELP course at national level (examples) Eva Massa, HELP Project Coordinator, Council of Europe
12.00 – 12.45	Q&A and conclusions

Conclusions/Highlights

International Cooperation

- To combat transnational crimes, which have become even more common in recent years, **there is still a need for closer cooperation** and for the reform of the criminal justice system. In achieving this objective, it is fundamental to have an **integrated, multi-disciplinary strategy, to strengthen mutual knowledge and to reinforce mutual trust.**
- The threat of terrorism remains **multidimensional and unprecedented.** This ever-evolving threat combined with today's international context emphasises that citizens can become victims of terrorism while residing or travelling outside of their member States, in Europe and other regions of the world.
- Further strengthening the development of European legal framework for cross-border operations seems necessary to facilitate the work of the police and their

Special Intervention Units. The reduction of administrative burden and costs would further facilitate the cooperation between the different SIUs.

- There is a growing number of complex and diverse Counter- terrorism investigations and prosecutions coordinated by Eurojust, which conducts **cumulative prosecutions for terrorism and core international crimes** (not possible in all Member States' jurisdictions) to ensure full responsibility of perpetrators and justice to victims.
- There is a growing threat from extremist right-wing groups and radicalised lone actors.
- The **European Judicial CT Register (CTR)** is an essential tool for:
 - Sharing of information among EU Member States on terrorism investigations, prosecutions and convictions.
 - Identification of links between investigations and coordination needs.
 - Analysis and lessons learned to improve the judicial response to terrorism.

Victims of terrorism.

- The Council of Europe Committee on Counter-terrorism (CDCT) set up a **Network of Single Contact Points for the Exchange of Procedural Information regarding the Legal Standing of Victims of Terrorism**, which aims to ensure that the information on the short- and long-term support available for victims of terrorism, is exchanged between the competent authorities of each State.
- A large number of States have significant structures in place to support victims of terrorism across borders and are now able to share these experiences through the network for other States who may not have had to (fortunately) respond to this domain. For instance, improving accessibility of support and ensuring that support is adapted to the needs of the individual. As noted in the **Handbook on Victims of Terrorism** which was published by the European Commission in January 2021, all victims of terrorism may face multiple impacts that should be taken into account when aiming to facilitate support across borders: physical and mental health impact, financial loss, fear of future attacks, loss and grief, etc.
- Example of best practices: the **Victims Commission in Germany**, which main task is to provide support to victims of terrorist attacks in Germany and is the political voice of those affected by terrorism.
- **Judicial cooperation** as a powerful tool to safeguard and guarantee the rights of victims and their families, e.g.: the assistance foreign victims are entitled to, procedural rights, and the right to compensation and allowances.

Foreign Terrorist Fighters

- More than 42 000 foreign terrorist fighters have travelled to join Daesh from over 120 countries (between 2011-2020). More than **5 000 FTFs have departed from Europe**.

- Trends:
 - 61% were born in Germany while 34% in Sweden and 21% were born in Norway.
 - Average 80% men & 20% women).
 - Average age: 26 years old.
 - Prison as source of radicalisation.
 - Two thirds of FTF are known to police for criminality.

- Challenges:
 - Issue of dual nationalities.
 - Unwillingness to cooperate with authorities.
 - Desensitisation to the use of violence, combined with the post-traumatic stress disorder (PTSD) plus humiliation, frustration, brutalisation, trauma and loss.
 - Dealing with returnees and specifically children returnees.
 - Few disengagement programmes & prisons as hotbeds for violent extremism.
 - Connection to refugees & issue of failed asylum seekers?
 - Crime-terror nexus and microfinancing.
 - Risk assessment tools.
 - Different legislation thresholds and prevention strategies.

- It is necessary to **improve multiagency coordination**. For example: rehearse procedures and ISPs using scenarios & cases, establish which agency takes the lead, ensure cooperation between social welfare service/police, focus on risk assessment and care & resocialisation, establish process-orientated and individualised Action Plans, etc.

- Suggestions:
 - A focus on early interventions.
 - Holistic, multi-agency approach. Focus on **normalisation and resocialisation** as soon as possible.
 - Tailor-made approach based on individual risk and need assessment.
 - Inclusive community support (the role of schools).
 - Training to work with returnee children and support of staff.
 - Managing the threat posed by foreign terrorist fighters (FTFs) remains a priority for the EU.

- To strengthen information exchange in the field of counterterrorism and core international crimes, access to and use of battlefield information in investigations and prosecutions are important.

Radicalisation in Prison and Probation

- Resocialisation, reintegration and rehabilitation are priority for prison and probation.
- Tailored made approach.
- Holistic approach in training for first - line practitioners
- More intensive international and cross-border cooperation.
- Established coordination mechanisms across the government agency and early inclusion of other partners.
- Exchange of practices, experience and solution between MS to enhance the mutual trust in judicial cooperation.
- Interagency connections and cooperation.
- Communications.
- Trust.
- Points of contact.
- Assess, plan and implement.
- Structure for assessment, intervention and management.

Cybercrime

- There is no single way to either combat cybercrime or to protect privacy.
Cybercrime is affecting every continent.
- The **Council of Europe Convention on Cybercrime** (“Budapest Convention”) is a multilateral treaty that has become the global standard for addressing cybercrime. It is an essential international tool for law enforcement because it requires Parties to have a basic level of domestic criminal law on this topic and provides a platform for transnational law enforcement cooperation in investigations, evidence sharing, and extradition.
- Many times cybercrime investigation is confronted with the challenge of not violating other human rights. Article 15 of the Budapest Convention sets the obligation to the Parties investigating and prosecuting cybercrime or collecting electronic evidence, when implementing the powers and procedures provided in the Convention, to have in place conditions and safeguards to ensure Human Rights as stated in many international human rights treaties. These safeguards

shall incorporate the principle of proportionality, including judicial or other independent supervision, grounds justifying application and limitation of the scope and the duration of the procedure.

- Lack of capacity building in the matter of electronic evidence and cybercrime.

Next steps

- A. The HELP Secretariat will take into consideration all these important contributions with a view to develop and implement further training at national level, as well as to continue organising networking events that will provide more opportunities to justice professionals to exchange ideas and best practices.
- B. Within the framework of the EU-CoE project HELP RP-TERR-ICCM, two additional seminars will be organised in 2022, aiming at analysing progress made and specific examples of good practices.
- C. The Council of Europe will continue its long-standing cooperation with the European Union to tackle new threats in the fields of counterterrorism, radicalisation and organised crime.