

## **Concept Paper**

### **2018 OSCE-wide Counter-Terrorism Conference**

#### **The Reverse Flow of Foreign Terrorist Fighters (FTFs): Challenges for the OSCE Area and Beyond**

10-11, May, Rome

As a regional arrangement under Chapter VIII of the United Nations Charter, the OSCE actively contributes to global efforts to prevent and counter terrorism by making use of its comprehensive approach to security. Year after year, the OSCE Chairmanships have continued to foster the Organisation's efforts to counter the phenomenon and the Italian Chairmanship intends to do the same in 2018.

OSCE's documents adopted in recent years address the evolving threat of Foreign Terrorist Fighters (FTFs), and outline commitments for participating States, as well as tasks for the Executive Structures, also in co-operation with other international organizations and stakeholders (MC. DOC/1/16 on Strengthening OSCE Efforts to Prevent and Counter Terrorism, MC.DEC/6/16 on Enhancing the Use of Advance Passenger Information, MC.DOC/4/15 on Preventing and Countering VERLT, MC.DOC/5/14 on OSCE Role in Countering the Phenomenon of Foreign Terrorist Fighters in the Context of the Implementation of UN Security Council Resolutions 2170 (2014) and 2178 (2014)). These ministerial documents reflect the joint priorities of the 57 OSCE participating States in addressing major challenges posed by FTFs.

However, lately, the nature of the FTF phenomenon has changed, implying a shift in focus. FTF departures to conflict zones peaked in 2015, but have decreased ever since. OSCE participating States and Partners for Co-operation face a potential increase in the number of FTFs returning home or relocating to other countries or other conflict zones. Currently, there is an urgent concern that returning or relocating FTFs may engage in violent acts at home, incite others to terrorist acts, take part in terrorist recruitment efforts and fundraise for terrorist organizations. Challenges include how to equip law enforcement institutions with the appropriate and effective tools to respond in a human rights-compliant way to terrorist crimes and how to disengage both returning FTFs, as well as their accompanying family members, and those (so-called "home-grown terrorists") inspired/radicalized to commit acts of terrorism by FTFs from their terrorist affiliation. Further efforts are also needed in dealing with FTFs in prison and post-prison environments, in addressing the challenges associated with accompanying family members, in countering the exploitation of the Internet for terrorist purposes, as well as in protecting against attacks against critical and/or soft targets. Against this backdrop, there are also increasing requests by States for support in developing new and innovative programmes to assist with the rehabilitation and reintegration of FTFs.

The UN Security Council Resolutions 2396 (2017) and 2354 (2017) urge Member States to strengthen global efforts to address the challenges related to FTFs returning or relocating from conflict zones, through improved border control, effective criminal justice systems, prompt information-sharing, preventing and countering violent extremism and radicalization that lead to terrorism (VERLT), countering the narratives used by terrorist groups and

amplifying positive and credible alternatives to audiences vulnerable to terrorist messaging, and through preventing and suppressing terrorist financing. Like all related OSCE commitments, and in line with the OSCE's comprehensive concept of security, the Resolutions also emphasize that all measures to counter terrorism must comply with international law, including international human rights law, international refugee law and international humanitarian law, not least because human rights are complementary and mutually reinforcing with effective counter-terrorism measures.

In light of the above, the Italian Chairmanship will convene on 10-11 May in Rome (Italy) an OSCE-wide counter-terrorism conference, organized with the support of the OSCE Transnational Threats Department (TNTD), in close co-operation with other OSCE Executive Structures, within their respective mandates. The conference aims to discuss and exchange good practices on addressing current challenges and issues and developing effective policy to prevent VERLT and counter terrorism in full compliance with human rights, with a special focus on addressing new threats posed by the return of FTFs. This conference aims to foster regional and international cooperation on these matters.

The following topics will be discussed during the conference:

***Session I: Trends and Dynamics of Returning or Relocating FTFs: Exchange of Views on National Experiences and International Co-operation***

OSCE participating States and Partners for Co-operation face a range of new challenges to include a potential increase in the number of FTFs returning or relocating from conflict zones. This session will offer the opportunity to outline relevant policy and political commitments in addressing threats related to returning FTFs and explore ways to strengthen international, regional, and sub-regional co-operation, in particular among law enforcement agencies, intelligence, criminal justice and other relevant institutions to address these challenges effectively while respecting and protecting human rights. It will also include discussion of legal efforts to criminalize FTF activities listed in UNSCR 2178 (2014). Speakers will discuss how investigations and judicial proceedings involving FTFs can be carried out in an effective and efficient manner, in full respect of applicable international law, in particular human rights and fundamental freedoms. Furthermore, speakers will address legal tools and policies to target the financial disruption of terrorist networks; to address the nexus between terrorism and organized crime, including trafficking in human beings; to develop the analysis of the use of ICTs by terrorists and to counter the exploitation of the Internet for terrorist purposes to develop and implement counter-narrative strategies consistent with international human rights law; to protect critical and/or soft targets from terrorist attacks.

***Session II Managing the Return/Relocation of FTFs: Strengthening Border Security and Information Sharing***

Returning or relocating FTFs pose a significant challenge to law enforcement and, in particular, to border security and management agencies working on the front lines. This session will examine existing commitments and good practices in identifying and detecting returning or relocating FTFs, and will explore how the OSCE can further support participating States and Partners for Co-operation in increasing the exchange of information and, more in general, to foster cooperation. The discussion will also focus on challenges in increasing the collection of passenger data (i.e. by developing Advance Passenger

Information Systems and Passenger Name Record) and address the role of capacity-building and training activities to front-line screeners, such as immigration, customs and border security agencies, as well as on sharing – when appropriate – relevant information with other concerned States and organizations, while respecting and protecting human rights.

***Session III Addressing the Potential Threat of Returning and Relocating FTFs and their Affiliates: Rehabilitation and Reintegration Programs Within and Outside the Criminal Justice System***

This session will explore criminal justice and preventive responses to the new challenges related to relocating or returning FTFs, and their affiliates, or those inspired or directed by them, including how to manage the potential threat posed by former FTFs who are neither detained, nor on probation. The focus will be on effective mechanisms to be enforced both within and outside criminal justice systems, such as the development and use of risk assessment tools as well as the development of comprehensive and tailored rehabilitation and reintegration programmes and tools aimed at disengaging former offenders from their terrorist affiliation and re-integrate them back into society. The role of local communities, social, health, education practitioners and other relevant stakeholders in shaping and adopting those tools will also be discussed.

***Session IV Addressing Accompanying Family Members of FTFs: Legal Gaps, Juvenile Justice, Engaging with Civil Society***

This session will explore the role of accompanying family members of FTFs. It will take account of the various and often complex roles of women and men, boys and girls in the FTF phenomenon: as active participants, indirect supporters or victims of violent acts. Some FTFs are, indeed, returning with family members that travelled with them to the conflict zone or joined them there; and family members may also be returning on their own. Many women and girls were forced into exploitation as wives of FTFs and faced severe sexual and gender-based violence; others supported or participated in terrorist and recruitment acts themselves. Children and young adults are particularly vulnerable to the risk and consequences of VERLT. Some have been recruited for combat and other violent activities from early age and some are severely traumatized. FTFs family members, depending on their experience, abuses subjected to, or involvement in violent acts, can be both victims needing support and potential threats to the societies to which they return. Yet, existing legal frameworks, policies and programs may not fully address these issues. Tailored legal treatment and social assistance responses should take into account both a gender and age perspective. The session will explore ways of managing, responding to and assisting in particular women, girls and boys associated with foreign terrorist fighters, including by considering appropriate gender and age-sensitive assistance, prosecution, rehabilitation and reintegration, support or protection measures in compliance with domestic and international law.

**Implementation modalities**

Participating States and Partners for Co-operation will be invited to nominate representatives at the level of counter-terrorism national coordinators, senior experts and practitioners. At least one senior counter-terrorism expert should form part of the respective delegations. Experts from the United Nations and relevant international, regional and sub-regional organizations, as well as from civil society, including youth, academia, private sector and the media, will also be invited to share their experience, perspectives and ideas.

Simultaneous interpretation will be provided in English and Russian. The Italian Chairmanship envisions the conference to take place in an interactive format. As in the previous years, participants will also have the opportunity to organize side-events. An invitation package, which will be circulated among delegations in due course, will include further logistical information about the conference and details regarding side events.