



**Joint Regional High-level Conference
convened by the OSCE, UNOCT and Switzerland,
in cooperation with the Albanian OSCE Chairmanship on
“Foreign Terrorist Fighters – Addressing Current Challenges”
(11-12 February 2020, Vienna)**

CONCEPT NOTE

Co-Organizers

The OSCE is a regional arrangement under Chapter VIII of the United Nations Charter and contributes as such to global efforts in preventing and countering terrorism, applying its comprehensive approach to security to this end. A number of OSCE 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 OSCE Executive Structures.¹

The United Nations Office of Counter-Terrorism (UNOCT) was established through the adoption of General Assembly resolution 71/291 in June 2017. It has enhanced the coordination and coherence of United Nations counter-terrorism efforts through the United Nations Global Counter-Terrorism Coordination Compact and has strengthened the delivery of capacity-building assistance and support to Member States on key issues such as FTFs and their families.

To further international discussions on these pertinent issues, the OSCE, UNOCT and Switzerland have agreed to jointly organize a High-Level Regional Conference on the phenomenon of returning FTFs, in cooperation with the 2020 Albanian OSCE Chairmanship. The event is funded through contributions by Switzerland and shall take place in the premises of the OSCE in Vienna on 11-12 February 2020. On the day preceding the conference, a civil society event will be organized by UNOCT and the Global Center on Cooperative Security. It will be coordinated with the Conference so that its preliminary results can be taken into account.

Background

Given recent developments in the Middle East as well as in other conflict areas, OSCE participating States and Partners for Co-operation² are expecting the return of FTFs with increasing concern, as some of these returnees may be ready to commit violent acts, incite others to engage in terrorist activities, or take part in recruitment and fundraising efforts for terrorist organizations. Ensuring appropriate treatment of these returnees and their families, including prosecution, as

¹ 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 the 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).

² Algeria, Afghanistan, Australia, Egypt, Israel, Japan, Jordan, Morocco, Republic of Korea, Thailand, and Tunisia.

appropriate, rehabilitation and reintegration, will be crucial, in line with UN Security Council resolution 2396 (2017) and the *Addendum to the 2015 Madrid Guiding Principles* on FTFs, adopted by the UN Counter-Terrorism Committee in 2018. On the other hand, the humanitarian and security situation in the Middle East has captured the attention of the international community and requires action, as highlighted in the UN Secretary General's *Key Principles for the Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women and Children with Links to UN -listed Terrorist Groups*, including analysis of applicable international law and the provisions of relevant Security Council resolutions³. The issue of repatriation has come to the forefront of discussions, including how to address this in compliance with international standards and obligations.

In addressing these issues, governments need to be equipped with appropriate tools to monitor and control the travel of FTFs and to respond in a human rights-compliant way to the threat of terrorism. This calls for differentiated approaches, particularly when dealing with minors and women. Moreover, disengaging and reintegrating, as well as prosecuting where necessary, those FTFs and accompanying family members that return, requires the involvement of different government agencies and civil society actors, within and outside the penal system. To foster common and successful approaches to all these challenges, the sharing of information, evidence and good practices among states remains key.

This Conference is part of a series of high-level gatherings organized in follow up to the first UN High-level Conference of Heads of Counter-Terrorism Agencies of Member States on “*strengthening international cooperation to combat the evolving threat of terrorism*,” held under the auspices of UN Secretary-General Antonio Guterres on 28-29 June 2018, in New York. It is intended to sustain the momentum for practical exchange of views, experience and expertise, and to strengthen and develop new partnerships in support of Member States’ collective efforts to prevent and counter terrorism. It is expected that the outcomes and recommendations of this Conference will inform the Second UN High-level Conference of Heads of Counter-Terrorism Agencies of Member States, to be held in New York on 1-2 July 2020.

Conference Structure

Based on these preparatory efforts, the two-day Conference on the FTF phenomenon will be structured according to the steps within the lifecycle of radicalization to violence developed by the Global Counterterrorism Forum (GCTF), including Prevention, Intervention, and Rehabilitation-Reintegration, and the tail-end of the FTF phenomenon as laid out in the United Nations Capacity-Building Implementation Plan for Countering the flow of FTFs as mandated by Security Council Presidential Statement S/PRST/2015/11 and resolution 2396 (2017).

³ UN Secretary General’s recent analysis of UN Security Council resolutions 2178, 2396 and 2427, further UN documents, as well as of Member States’ responsibility for their own nationals, in: *Key Principles for the Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women and Children with Links to UN -listed Terrorist Groups* (April 2019).

Accordingly, the following topics and related questions will guide the sessions of this conference:

1. **Responses to incitement, recruitment for and facilitation of FTF activities:**
 - a. How to counter and prevent the incitement by and recruitment into terrorist groups, both on- and off-line?
 - b. What are the lessons learned in countering the recruitment for and facilitation of FTF activity in line with applicable human rights standards?
 - c. How to strengthen cooperation between governments, the private sector and civil society organizations in this regard?

2. **Preventing FTF travel:**
 - a. What are lessons-learned in detecting and disrupting returning FTF travel?
 - b. How to exchange travel-related information in an effective and human rights-compliant way?
 - c. How to establish effective Advance Passenger Information and Passenger Name Record systems while respecting international human rights law, including the right to privacy? How can we achieve better leverage on capacity-building programmes, such as the UN's Countering Terrorist Travel Programme and Border Security and Management?

3. **Gathering and sharing of evidence:**
 - a. How can governments and international organizations enhance cooperation in the sharing of evidence, including battlefield evidence, for rule of law-compliant prosecutions of FTFs?
 - b. How can terrorists' use of the Internet and social media be exploited for counter-terrorism investigations, in compliance with human rights and the rule of law?
 - c. In what way could the use of existing mechanisms such as INTERPOL's databases and information systems be enhanced?
 - d. How to build trust and enhance capacity as prerequisites for more effective collaboration within state structures and internationally?

4. **Prosecution of FTFs:**
 - a. What are the lessons learned for effective human rights-compliant prosecutions of suspected FTFs?
 - b. How can the right to a fair trial, due process, and full respect for human rights be ensured in proceedings?
 - c. How can criminal justice processes be gender responsive and ensure children's best interests and welfare?

5. **Repatriation, rehabilitation and reintegration:**
 - a. What are the challenges, relevant international standards and obligations, and best practices in repatriating FTFs and their family members to their countries of origin?
 - b. How can the particular needs of women and children with links to UN-listed terrorist groups be addressed in compliance with international law?
 - c. What are the lessons learned for effective disengagement and reintegration mechanisms, within and outside criminal justice systems?

- d. How can prison-based rehabilitation programs be linked to post-prison reintegration efforts?

Level of Participation

The conference will be held at the level of national counter-terrorism coordinators or equivalent senior experts and practitioners and high-level political representation is encouraged. OSCE participating States and Partners for Co-operation are invited to include representatives from the private sector, civil society, academia, and other stakeholder organizations in their respective delegations. In order to ensure high-level expert participation, support in disseminating this information among appropriate State institutions and other relevant stakeholders would be appreciated.

Outcome Document

The work of the Conference will be summarized in a co-chair's summary, which shall inform the Second UN High-level Conference of Heads of Counter-Terrorism Agencies of Member States about the regional experiences, good practices and lessons-learned identified throughout the OSCE area.

Points of Contact

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