



[Advance unedited draft](#)

## **Global survey of the implementation of Security Council resolution 1373 (2001) and other relevant resolutions by Member States**



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<sup>1</sup> While the Security Council has not established an internationally agreed terminology regarding this threat, the Counter Terrorism Committee noted, in its previous documents, that many of the Member States recently assessed by the CTC have referred to terrorist acts committed by such individuals and groups through a range of different terminologies.





Ten of the 12 Member States of **Western Asia** have been affected by terrorist attacks. The fragility of the political and security situation in some of the States continues to warrant vigilance. ISIL remains an active terrorist threat within the borders of some States of this subregion, including States experiencing a fragile political and security situation. ISIL views that most of those States should observe a stricter interpretation of religious teachings. The proximity to the armed conflict in the Syrian Arabiouis



Small numbers of South American nationals are known to have travelled to the conflict zones of Iraq and the Syrian Arab Republic in support of ISIL.

Most States of **Eastern Europe** have a comparatively low level of risk, but some smaller-scale attacks or plots have occurred. The threat level in the Russian Federation has decreased in recent years. The risk of terrorist attacks **on the basis of xenophobia, racism and other forms of intolerance** is a growing threat across the subregion. States of this subregion located on both sides of the eastern border of the Schengen area have a risk of being used as transit States for illicit movements of people, weapons and cash. In 2020, Heads of the CIS Member States adopted the Programme of **Cooperation** of the CIS Member States in Strengthening Border Security at External Borders for 2021-2025.

States of the **Western Europe, North American and other**



Terrorism Committee Executive Directorate (CTED) within the framework of its dialogue with Member States on behalf of the Counter-Terrorism Committee. Since the previous survey, CTED has identified an increase in the number of Member States taking steps to develop a broader counter-terrorism approach, including by engaging a wider range of governmental stakeholders, beyond law enforcement agencies.

Pursuant to Council resolutions 2178 (2014), 2322 (2016), 2396 (2017) and 2462 (2019), Member States have accelerated the review of their existing **legislative and administrative frameworks** and, where necessary, enacted new measures to incorporate the requirements of the relevant Council resolutions into domestic law. However, despite this progress, the degree to which the relevant offences have been codified varies and continues to require careful monitoring.

In



In designing PRR-



**Terrorists and terrorist groups continue to raise funds through, inter alia, abuse of legitimate enterprises and non-**





often traverse, the increasing presence of unofficial border crossing points (BCPs), and the use of broken travel pose significant challenges to Member States in this regard.

Member States have also continued to confront the threat posed by terrorist **exploitation of the**



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## I. Introduction

1. The present survey was prepared by the Counter-Terrorism Committee Executive Directorate (CTED) pursuant to the request of the Security Council, contained in its resolution 2395 (2017), that it updates the previous survey (S/2016/49), issued in January 2016.
2. Section I of the survey provides an updated overview of the trends identified in the previous global survey, draws attention to new and emerging trends, and addresses potential emerging threats.
3. Section II provides an assessment of the implementation of Security Council resolution 1373 (2001) and relevant resolutions<sup>2</sup>, broken down by region and subregion. It should be noted that the subregional divisions used for the survey do not necessarily reflect the economic and political groupings used by the United Nations or other international and regional organizations. Section II also provides an overview of trends, risks and recommendations, as well as an analysis of the implementation of 1373 (2001) and other relevant resolutions in each subregion. It additionally includes references to specific States that have made notable progress in certain areas. The fact that other States are not mentioned should not be understood to reflect negatively on their implementation efforts.
4. Section III sets forth the general standards and recommended practices that should be put in place by States to give effect to the provisions of resolution 1373 (2001) and also addresses general global trends in the implementation of the resolution in key thematic areas. This section might be of particular interest to the general reader as it provides a more holistic picture of how the international community, in the broadest sense, has progressed in dealing with the challenge of terrorism since the adoption of the resolution.
5. The survey focuses on the major thematic areas addressed by resolution 1373 (2001): counter-terrorism legislation, countering the financing of terrorism, law enforcement, border control, and international cooperation. It also takes into account the need to protect human rights in countering terrorism and take the gender perspective into account, as relevant to the requirements of resolutions 1373 (2001), 2178 (2014) and other relevant resolutions adopted by the Council since the publication of the previous global survey, in 2016. At the conclusion of each subsection, the survey provides a summary of some of the priority recommendations that the Committee has made to Member States since the previous survey to strengthen their implementation of resolution 1373 (2001) in each region or thematic area. CTED hopes that these

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<sup>2</sup> Including resolutions 1373 (2001), 1456 (2003), 1617 (2005), 2178 (2014), 2242 (2015), 2309 (2016), 2322 (2016), 2331 (2016), 2341 (2017), 2354 (2017), 2396 (2017), 2462 (2019) and 2482 (2019).



recommendations will also be useful for other international organizations and bilateral donors working in the field of counter-terrorism.

6. Prepared by CTED experts on the basis of their professional judgement of the information available as of February 2021, the survey relies on data compiled on the basis of information and updates provided by Member States to the Committee; reports on visits to Member States (States (CTED has conducted 168 visits to 109 Member States between 2005 and 2020 on behalf of the Committee)); the outcomes of national and regional workshops; and information provided by international, regional and subregional organizations. The data are also recorded in the Detailed Implementation Survey (DIS) prepared by CTED for all 193 United Nations Member States.

## **II. Global outlook**

7. Since 2016 the nature of the terrorist threat has continued to evolve, compelling Member States to continue to adapt their policies and approaches to address newer challenges and existing gaps in their counter-terrorism measures. While many of the issues that were a priority for States in 2016 remain concerns in 2021, such as foreign terrorist fighters, the nature of that threat has changed. Terrorist groups have also adapted their methodologies to the changing environment, not least the global COVID-19 pandemic. For many States, a significant trend is the growing internationalisation of groups motivated by racism, xenophobia and related intolerance and the growth of violent attacks motivated by racist or ethnically motivated hatred, often focused on migrants or refugees. For States seeing this trend, it is a significant development to adjust law enforcement and security resources to focus on the potential for the terrorist threat to come from domestic sources.

1.



10. Although there are distinct differences in the operational methods used by ISIL/Al-Qaida and their affiliates, on the one hand, and groups motivated by racism, xenophobia and related intolerance, on the other, there are also certain similarities, relating in particular to the use of technology, motivational factors driving recruitment, and certain operational tactics. Like ISIL/Al-Qaida and their affiliates, groups motivated by racism, xenophobia and related intolerance also use online platforms, including gaming platforms, to radicalize, raise funds through



intolerance. Many Member States face challenges in their criminal prosecution of offences committed by groups motivated by racism, xenophobia and related intolerance) owing to the lack of such designation, which means such groups cannot be tried under existing terrorism statutes. Moreover, the focus of hate crimes legislation under which the perpetrators are often tried tends to be narrow. The lack of designation also prevents prosecution for membership of a terrorist organization and makes material/ financial support prosecutions more complex.

15. Groups motivated by racism, xenophobia and related intolerance have spread mis/dis-information, fake news, and conspiracy theories, mostly through online channels, to further their agenda and increase social polarization. In the context of the global COVID-19 pandemic, groups motivated by racism, xenophobia and related intolerance have sought to advance conspiracy theories by recycling prejudices and narratives to frame the current crisis and further advance their attempts to radicalize, recruit, and inspire attacks. Groups motivated by racism, xenophobia and related intolerance will continue to exploit conspiracy theories and mis/dis-information as they



19. However, no such trend has been observed in conflict areas, where pandemic related restrictions have been harder to implement. The February 2021 report of the Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals and entities highlights the rising threat of terrorism in conflict areas, where the pandemic has inhibited law and order much more than it has the activities of terrorist groups. 4 The Monitoring Team notes that “ISIL continues to emphasize the “divine punishment of arrogance and unbelief” narrative regarding the pandemic that it adopted in March 2020, and to exhort followers to attack the enemy while counter-terrorist defences are supposedly weakened.5 The political and economic impacts of the pandemic will continue to impact the drivers of violent extremism conducive to terrorism, which in turn is likely to increase long-threats across the counter-terrorism infrastructure.

20. In the long term, pandemic-related social isolation and rising economic tensions could have the effect of exacerbating existing grievances, especially in regions with weak State institutions. Moreover, restrictions that incorporate

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zones. 7 FTFs also remain capable of reinforcing connections with ISIL affiliates worldwide. Developing comprehensive and effective mechanisms to address the issue of FTF returnees, relocators, and so-called “frustrated travellers” therefore remains a top priority for Member States and the international community. The thousands of FTF family members currently remaining in Iraq and the Syrian Arab Republic also presents new security, humanitarian, and human rights challenges.

23. In response to these challenges, Member States have introduced major changes to their counter-terrorism architecture, thereby impacting a wide range of policy areas. The adoption of several further Security Council resolutions and the issuance of a number of other key documents have enabled the United Nations to ensure the coherence of its response to terrorism, coordinate the response of the international community, and guide Member States in their counter-terrorism efforts. Some recent Council resolutions have included requirements pursuant to Chapter VII of the Charter of the United Nations aimed at, inter alia, strengthening Member States’ abilities to identify and monitor returning FTFs and their family members; preventing further FTF travel; and developing a comprehensive response to the situation of FTF returnees and relocators.

24. The actual number of FTF returnees and relocators since 2016 has been low, in part due to the death or internment of many FTFs in conflict zones and in part due to d







prosecuting individuals for financing terrorist organizations and engaging in other illicit funding activities.

31. Understanding the motivations that lead an individual towards radicalization to violence is a complex task, but it is essential to effective counter-terrorism policy development. The narratives and discourses used by terrorist groups to attract supporters, including both men and women, and advance their agenda must be countered at all levels.

32. A related concern is that Member States of several subregions continue to experience challenges in their efforts to curb the spread of violent extremism within prisons. Although recidivism rates after terrorism-

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relating to data privacy and surveillance and the need to balance the competing needs of security and privacy.

### **III. Regional outlook**

#### **Africa**

##### **North Africa**

**(Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia)**

##### **A. Terrorism trends**

###### **1. Risks**

36. North Africa continues to face multiple kinds of terrorist threat. One is characterized by the presence of terrorist groups that are affiliated with Al-Qaida in the Islamic Maghreb (AQIM) or the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) on the territory of several North African States. The impact of these groups, however, appears to be relatively limited in terms of the number of attacks and resulting casualties, as well as their different capacities in comparison with that of terrorist groups in other regions of Africa. The Secretary-General's Twelfth report on the threat posed by ISIL noted, for example, that ISIL – Libya has continued to decline, but ]



(even though there has so far been



(b) **Risk assessment**

42. Although two North African States do not appear to conduct systematic assessment of the terrorist threat and risks on their soil, the law enforcement agencies of four States appear to do so at least to some extent. Some States have chosen to create specific inter-agency units that are responsible for these assessments, among other tasks. Others have entrusted an existing law enforcement agency with the responsibility of carrying out these assessments, sometimes tasking them with coordinating with other agencies in order to collect or circulate information.

2. **Addressing enablers of terrorism**

(a) **Recruitment**

43. All States of this subregion have introduced legislative provisions that enable them to address recruitment to terrorism (marking an improvement since 2016). Four have adopted legislative provisions that criminalize the recruitment of terrorists, and the two that do not criminalize behaviours (e.g., inciting or provoking) that are close to recruiting.

(b) **Financing of terrorism**

44. In contrast to 2016, all North African States now criminalize terrorism financing as a standalone offence. Five States criminalize it even if the funds have not been used to commit a



(c) **Firearms**

46. Even though five States have criminalized illegal trafficking of small arms and light weapons including firearms, the related acts of illicit manufacturing or alteration of firearms or the illicit obliteration of their markings are not yet criminalized by five States. Despite the African Union's campaign to "Silence the Guns" and the risks associated with the presence of uncontrolled firearms in the subregion, little progress has been achieved in this area. Five States have not updated their legislation to address this area.

**3. Opportunity and border security**

(a) **Passenger screening**

47. Four North African States, immigration services are connected to INTERPOL databases through the MIND or FIND systems. This marks significant progress since 2016 (even though the levels of use and effectiveness of these connections seem to vary). Although no functional API (or PNR) system is yet in place in the subregion, there has been some improvement. The authorities of four States receive passenger manifests or passenger information in advance (even though if this does not happen on a systematic basis). In the absence of a proper legal and institutional framework, including dedicated targeting centres/passenger information units, the capacity to detect potential terrorists at the border varies greatly. One State has targeting teams in place and sends lists of terrorists including FTFs to border posts. Another has the main terrorist intelligence agency present at border posts. Similarly, there is a marked variance with respect to States' capacity to detect fraudulent documents at the border, including with respect to the capacity to verify biometric identifiers.

48. Most States collect and store the data related to entry/exit of persons crossing the border, but rarely capture and check biometric information, such as fingerprints. Several States have developed cooperation with other States to strengthen the security of their borders (mostly with partners in the subregion or in Europe). No State has specific procedures in place to prevent the granting of refugee status to a terrorist, but three conduct security-related screenings of asylum-seekers in partnership with UNHCR, and two allow UNHCR to do so.

**4. Bringing terrorists to justice**

(a) **Planning and preparation**

49. Most States continue to rely on general legislative provisions on accomplice liability for serious offences in order to criminalize preparatory and accessory acts rather than criminalizing them as standalone offences. However, five States criminalize specific manifestations of support for terrorist acts. In addition, four States prosecute preparatory or accessory acts that are conducted on their territory with the aim of committing terrorist acts abroad.



(b) **Capacity to investigate and prosecute**

50. In contrast to the previous survey, all North African States have assigned terrorism cases to a single, designated prosecution office, allowing for the building of expertise. In all but one State, those offices are dedicated to terrorism cases and have acquired significant experience in the prosecution of terrorism cases. Given the level of cases, the level of human and technical capacity



(b) **Ensuring effective exchange of information and intelligence**

55. Half of North African States have conducted bilateral cooperation in investigations in terrorism cases (often with European States but also increasingly with other States of this subregion). Some of this cooperation has taken place in relation to major, high-profile terrorist attacks and involved crime scene management and forensics.

**Priority recommendations**







in Darfur that continue to complicate the security dynamics in Sudan. 11 In January 2021, escalating inter-communal violence resulted in scores of deaths and injuries, as well as the displacement of nearly 50,000 persons in West Darfur, threatening a deterioration in the security situation of the subregion following the withdrawal of United Nations/African Union Hybrid Operation in Darfur (UNAMID).

63. Across the subregion, allegations of significant human rights violations, including arbitrary detentions and extrajudicial killings by security forces



outlook, below). Another State of the subregion (Rwanda) is also a member of the Economic Community of Central African States (ECCAS), which has adopted a regional strategy to combat terrorism and the proliferation of small arms and light weapons, as well as an action plan (see Central Africa regional outlook, below).

66. At the national level, no State appears to have adopted a comprehensive and integrated counter-terrorism strategy. One State has developed a coordinated approach to countering terrorism, premised upon its National Security Policy, but has not yet formalized that approach into a unified, written strategy. Four States have adopted comprehensive national P/CVE strategies. This reflects progress since 2016. One State has pioneered the adoption of county-level P/CVE action plans, which are well aligned with the national strategic framework, while also prioritizing actions that respond to needs identified at the local level. Another State has made a commitment to drafting its national P/CVE action plan, requesting support from the United Nations in this regard.

**(b) Risk assessment**

67. All States of the subregion collect security-related information through various channels. However, that information is not consistently shared among the various relevant agencies. Very few States appear to routinely conduct threat assessments and produce dedicated terrorism risk assessments. One State has tasked two different law enforcement agencies with the issuance of such assessments. Four States have established national coordination mechanisms aimed at enhancing their response to terrorism. Intelligence agencies keep the relevant national coordination mechanisms updated on relevant terrorist threats and risks. One State appears to task the national coordination mechanism with producing risks assessments. Another State has established a dedicated counter-terrorism task force consisting exclusively of security and law enforcement agencies (including vi24(a)7(r 277 Tm0 g0 G[(a)7(ge)7(nc)7(i)28(e)7(s)14( )-249()21(i)28(nc)-55(l)28(ud)-62



one criminalizes the “procurement of persons” [sic] to terrorist organizations. The remaining three States do not criminalize recruitment to terrorism in their respective Criminal Codes.

(b) **Financing of terrorism**

69. All States except one





with its national flag carrier. The remaining eight States are considering updating their systems to develop API capabilities.

77. All but two States have ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. All but three States have enacted laws aimed at regulating a refugee-status determination (RSD) procedure. Only one State explicitly codifies in its counter-terrorism law that the relevant Minister may refuse refugee status, having regard to the interests of national security and public safety, and based on reasonable grounds to believe that the person has committed or was involved in the commission of a terrorist act. The legislative frameworks of the remaining seven States include provisions that could be interpreted to exclude individuals who have planned, facilitated or participated in a terrorist act.<sup>15</sup> However, concerns remain with respect to States' actual capacity to carry out the requisite analysis to effectively exclude said individuals. This is especially true of States that receive high volumes of asylum seeker requests. Two States have empowered their intelligence agencies to work closely with their frontline authorities in screening (and clearing) asylum seekers with respect to security-related concerns. One State has conferred prima facie refugee status to nationals from a neighbouring State without an individual RSD process.

#### **4. Bringing terrorists to justice**

##### **(a) Planning and preparation**

78. All but three States have criminalized preparatory and/or accessory acts in their relevant counter-terrorism legislation. Where the terrorist act is intended to be committed against other States or their citizens outside the State's territory, prosecution is not explicitly excluded in States' legislation. Nonetheless, only one State explicitly allows the prosecution of preparatory acts conducted on its territory with the aim of committing a terrorist act abroad. Another State criminalizes the commission of a terrorist act outside its territory if said offence prejudices the interests or the economy of the national or social security of the State. A further State criminalizes attempts to disturb, (...) by violence, the internal political order or security of a foreign State.

79. One State criminalizes conspiracy to commit any criminal act. Other States criminalize conspiracy to commit a terrorist offence. Six States criminalize support for terrorist acts. However, there is no uniform clarity or precision in the definition of "support" (which may include references to, inter alia, "instigation", "moral assistance", "handover of documents", "counselling", or "harbour"). One State criminalizes soliciting support to commit terrorist acts.

##### **(b) Capacity to investigate and prosecute**

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<sup>15</sup> Via reference to, inter alia, serious non-political offences, acts contrary to the purposes and principles of the African Union, crimes against peace, atrocity crimes and/or gross violations of human rights.





84. Although constitutional safeguards regarding liberty and fair trial have been provided for by all States of the subregion, United Nations human rights mechanisms continue to express concerns at the failure to enforce them. Seven States of the subregion provide for a period of 48 hours for a terrorist detainee to be brought before a judge (or a prosecutorial agency). In some cases, this period either can be extended or is simply not respected. Three States provide for a





88. Since 2016, two States have developed publicly available guidelines on domestic laws and procedures, but those guidelines are limited to MLA. One of those States has successfully requested MLA and the extradition of suspects from EAC States in the context of terrorism-related investigations. Comoros participates in a Regional Justice Platform which also includes France, Madagascar, Mauritius and Seychelles and has developed a manual on how to submit MLA and extradition requests to those States.

89. One State has introduced the principle of





**(Botswana, Lesotho, Madagascar, Malawi,**



also deal constantly with significant movements of persons, including mixed and irregular migration, labour migration and displacement due to conflict and natural disasters. Owing to instability and natural disasters, the number of refugees and displaced persons has risen significantly. UNHCR reported in 2019 that the subregion hosts close to 534,000 people of concern. At the end of December 2020, UNHCR noted that there were 530,000 displaced persons in the four provinces of Northern Mozambique alone, with the total continuing to rise daily.





assets pursuant to resolution 1373 (2001) since the previous survey, the asset-freezing frameworks of all States of the subregion remain largely untested.

102. All States have established a functional, independent FIU. However, the capacity and resources of the FIUs to effectively analyse STRs and the number of terrorism financing-related STRs received vary significantly across the subregion. Although the customs authorities of half of the States of the subregion have the legal authority to stop or restrain currency and BNI suspected of being related to money-laundering and terrorism financing, there is only limited understanding and analysis of the threat posed by the cross-border currency transportation for terrorism-financing purposes. Only two States have conducted a review of their respective NPO sectors to assess their related vulnerability. One of the priorities of the ESAAMLG operational plan to counter the financing of terrorism is a regional review of the terrorism-financing risks of States' NPO sectors. All States of this region are members of the ESAAMLG and South Africa is also a member of the FATF.

(c) **Firearms**

103. Legislation to regulate SALW, including firearms and ammunition across the subregion remains outdated. Thus, not all States criminalize the illicit manufacturing, trafficking or alteration of firearms or the illicit obliteration of their markings in their legal framework, and the level of operationalization and enforcement of those frameworks also varies greatly. Only three States have fully implemented the related international requirements in their legal frameworks. All States but one appear to have a limited capacity to intercept and report trafficked firearms.

**3. Opportunity and border security**

104. All States of the subregion are members of INTERPOL, but there is limited available information on the connectivity at frontline border posts to the INTERPOL SLTD database and the Security Council ISIL



105. Although the legislation of seven States provides for criminalization of preparatory and accessory acts, only four States can prosecute preparatory or accessory acts where the aim is to commit the act against another State. Three States criminalize planning, preparation and contribution of a terrorist act as autonomous offences. Eleven States criminalize conspiracy, aiding and abetting or other forms of participation to terrorism acts. Only one State does not specifically criminalize acts of planning, preparation and supporting of terrorist acts as autonomous offences.

**(b) Capacity to investigate and prosecute**

106. The capacity and resources of the subregion to investigate and prosecute terrorist acts remain limited. Only one State has developed a specialized prosecution unit within its National Prosecution Authority. One State has developed inter-agency arrangements which support a coordinated criminal justice response to terrorist attacks. Through this mechanism, dedicated (though not specialized) public prosecutors have worked with security agencies to collect information, including interviewing victims. Similarly, the use of SITs remains limited. Most States have the legal authority to intercept communications, but this technique has been used in terrorism investigations by only one State.

**(c) Rule of law**

107. All States of the subregion have established oversight of law enforcement mechanisms. However, the effectiveness and independence of those mechanisms varies significantly. All States enshrine rule of law principles in their Constitutions and other relevant legislation (e.g., Police Act). Five States have established a police commission, and eight States have established a national human rights institution. In many States of the subregion, specific counter-terrorism legislation continues to include vague and broad terminology which, in the absence of the adjudication of terrorism cases, could be misused or improperly applied, thereby unnecessarily limiting human rights principles such as freedom of association and freedom of expression. The legislation of four States includes precise and comprehensive definitions of terrorist acts.

**5. Activating international cooperation**

108. International cooperation is facilitated through the adoption of the SADC Protocol on Extradition, which entered into force in 2006. However, the SADC Protocol on Mutual Legal Assistance has not yet entered into force, owing to an insufficient number of ratifications. Two States lack a specific law relating to MLA. Ten States have adopted specific national legislation to enable both extradition and MLA. The implementation and use of those legal instruments vary in effectiveness (mostly because of specific requirements and conditions that need to be fulfilled in the application of the law). In 2016, only one State had incorporated the *aut dedere aut iudicare* principle into its national legislation. Since 2016, one other State has done so.



109. Three States have published guidelines on

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of the group (which had achieved global infamy for the kidnapping of 276 schoolgirls from Chibok in 2014) pledged allegiance to then ISIL leader Abu Bakr al-Baghdadi. Boko Haram thus took up the banner of ISWAP. Within a year, Abu Musab al-Barnawi (the son of Boko Haram's founder) and others split from Shekau. Their faction retained the title of ISWAP, and Shekau's faction reverted to the name of Jama'atu Ahlis-sunna Lidda'awati (JAS).

114. In 2019, a third faction, Ba Koura<sup>23</sup>, emerged (reportedly allied to Shekau). Ba Koura has conducted attacks in the Far North of Cameroon and the Diffa region of Niger. The name *Boko Haram* is commonly used to refer to either of these three groups. Boko Haram has remained resilient to military operations and is capable of perpetrating sustained significant terrorist activity in the subregion. Studies have revealed a remarkable degree of viciousness in the modus operandi of Boko Haram (which has deliberately exploited stereotypes by employing the highest rate of female and child suicide bombers of any terrorist group), as well as a disregard for principled targeting and efforts to minimize civilian casualties.<sup>24</sup> These tactics have been more commonly associated with Shekau. ISWAP, by contrast, has often nurtured more positive community relations by providing goods and services to rural populations that have not received many benefits from their own State. In December 2020, the Prosecutor for the International Criminal Court, concluded

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flow of arms throughout the Sahel, driven by past and recent conflicts, ensures widespread availability to terrorist groups.<sup>27</sup> Armed groups, intercommunal violence, banditry and organized crime further destabilize many West African States. Individual and group alliances remain highly fluid. In both the Sahel and the Lake Chad Basin, terrorist groups take advantage of unresolved local conflicts to fuel discontent and exploit local grievances to gain legitimacy and support among certain communities. Migration and population flows also complicate the security landscape. The situation in central Sahel, including in Burkina Faso, Mali and Niger, has continued to deteriorate rapidly, as thousands of people

*[Handwritten mark]*

has

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improvement from 2016. In addition, six States appear to have taken steps towards the development of such a strategy. Four of those States that have also tasked an existing inter-agency counter-terrorism committee or well-identified ministry to draft one. The existing strategies do not, however, appear to include comprehensive approaches on the PRR of individuals associated with terrorist groups. One State has developed a national P/CVE policy framework and action plan that incorporates reference to PRR, but its comprehensive operationalization continues to be a challenge. Civil society was involved in designing the strategy of one State (see Central Africa Regional outlook and regional spotlight: prosecution, rehabilitation and reintegration of individuals associated with Boko Haram in the Lake Chad Basin, below).

**(b) Risk assessment**

119. Only three States conduct regular assessments of the terrorist threat and risk to their territory. In view of the extent of the terrorist threat to the subregion, such assessments are essential to risk mitigation. A further four States have established intelligence agencies in charge of assessing security threats, but do not appear to produce systematic, specific assessments on terrorism with actionable information. Another State has established an intelligence unit that does not appear to have conducted assessments. In most States of the subregion, the terrorist threat is assessed by central intelligence or law enforcement agencies. In one State, it is assessed by the law enforcement unit specifically in charge of investigating terrorism cases.



both an individual terrorist and a terrorist organization. This represents an improvement since



Programme, key border posts have been selected for transformation into joint border posts for joint and simultaneous controls.

125. Although no functional API system is yet in place in the subregion, five States receive assistance from the United Nations Countering Terrorist Travel programme on API/PNR



access the case files and detainees held in military custody far from the capital. Progress has been achieved in several States, where larger volumes of cases (and also higher-profile and more complex cases) have been processed. Nevertheless, concerns continue to be raised about those processes and about the slow pace of justice in general.

129. Ten States permit the use of specialized investigative techniques in terrorism cases. These techniques include various types of electronic surveillance and the interception of private communications, controlled deliveries, undercover investigations, and lifting of confidentiality of bank records. Three States impose no limits on the duration or scope of such measures in order to mitigate their potential misuse and ensure their proportionate use in accordance with international human rights standards.

130. Across the subregion, limited progress has been made in the fight against impunity with



(c) **Rule of law**

133. Most States have introduced into their legislation broad definitions of terrorism which could lead to overly broad application of the law. Two additional States have adopted a special







(a) **Context**

137. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), more than 6,600 civilians have been killed in Burkina Faso, Mali and Niger since October 2019, making 2020 the deadliest year for civilians in the Central Sahel.<sup>31</sup> Since 2013, with the deployment of France's *Operation Serval* in northern Mali, concerted military efforts have been critical to combating terrorism. However, despite the increasing pressure of military operations, these groups have not been fully contained. They have demonstrated resilience, adaptability and capabilities that have enabled them not only to endure, but also to expand (see also West Africa Regional outlook). It is clear that a military approach alone cannot address the challenges posed by (and exposed by) the evolving terrorist threat. In order to sustain the gains achieved through military successes, efforts must be made to ensure justice for victims and communities. Moreover, those efforts must be subject to oversight, in order to strengthen public confidence in the legitimate use of force, and should be consolidated through strengthened good governance and service delivery.

(b) **Basis**

138. In its resolution 1373 (2001), the Security Council decides that Member States shall ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice. Both the Council and the General Assembly consider that the promotion of effective rule of law-based criminal justice responses to terrorism is a central component of an effective counter-terrorism approach. Council resolution 2396 (2017) calls on Member States to share best practices and technical expertise "with a view to improving the collection, handling, preservation and sharing of relevant information and evidence [. . .] including information obtained in [. . .] conflict zones"



States with respect to these issues, as well as the importance of domestic policy and legal frameworks<sup>33</sup> (see also legislation and criminal justice thematic outlook, below).

(c) **Challenges**

139. Ensuring accountability for crimes of terrorism committed in the Sahel requires effective cooperation between two very different institutions which have at their core separate mandates and distinct cultures. It also requires military and criminal justice institutions to develop sufficient familiarity with each other and to agree on the need to coordinate and cooperate. In the Sahel, the prosecution of terrorism cases continues to be significantly challenged by the difficulty of collecting admissible evidence to secure a conviction. The role of the military in enabling effective criminal justice responses to terrorism has been put to the test in some States of the region, where terrorist organizations have taken advantage of remote and ungoverned spaces to carry out their operations. In such cases, the military is the first (and sometimes only) responder to terrorist attacks. As a result, the military (although not trained, equipped, or necessarily legally mandated to do so) has found itself in the unusual position of having to assume a number of tasks that are typically entrusted to law enforcement officials. Those tasks include detaining suspects and collecting information and then transferring both the suspects and the information to the judicial authorities. This raises potential human rights concerns relating to, inter alia, the prohibition of torture and arbitrary detention, and the right to a fair trial (see also West Africa regional outlook). Too often, these cases fail during the judicial process owing to insufficient information relating to the suspect or the circumstances of his or her initial capture or simply because the available information is not accepted as admissible evidence for a variety of reasons (e.g., human rights violations, contamination in the chain of custody, or insufficient documentation).

140. With the help of increased resources and the increased specialization of investigating and judicial units in charge of terrorism cases, <sup>34</sup> three Sahel States have successfully completed terrorism cases. <sup>35</sup> However, a growing number of suspects remain in pre-trial detention for extended periods of time beyond the time frames prescribed by the law. One State has processed significant numbers of terrorism cases (with hundreds of cases being dismissed by the prosecution

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<sup>34</sup> Specialized judicial units that have nationwide authority and include a specialized investigation units have now become operational in Burkina Faso, Mali and Niger (in Burkina Faso the Specialized Judicial Unit (PJS) and its Specialized Investigation Brigade (BSIAT); in Mali the Specialized Judicial Unit (PJS) and its Specialized Investigation Brigade (BIS); in Niger the Specialized Judicial Unit (PJS) and its Central Office for Combating Terrorism (SCLCT).

<sup>35</sup> In Mali, “[a]s at 3 December, the 2020 criminal trial session of the Bamako Court of

Assizes had tried 45 terrorism-related cases, in which 1 87.1 152.4 Tm0 348.43 171.15 Tm0 g0 G[( ) TJ(BT/F1 8.25 Tf1 0 0 1 213.25 152.4 Tm0 g0



or investigating judge or resulting in acquittals at trial years after suspects were arrested by the military and placed in pretrial detention). The main reason for these outcomes was the paucity of information available with respect to the reason or circumstances for the initial capture or arrest by the military. Law enforcement units charged with investigating the cases long after their initial detention were unable to find additional evidence. Pursuant to its 2018 assessment visits to three States of the Sahel, the Committee recommended that efforts be made to strengthen cooperation between the military and law enforcement investigative units and ensure the development of effective communication. The Committee also recommended that the three States ensure that the military develop standard operating procedures for securing and managing crime scenes and make more systematic use of existing template forms aimed at collecting key information to be quickly transmitted to investigative units.

## 2. Progress

141. The States of the Sahel have made efforts to increase cooperation between the military and criminal justice authorities. On 2 March 2018, the Chief Justices of the Supreme Courts of six Sahel States (Burkina Faso, Chad, Mali, Mauritania, Niger, Senegal) adopted a set of recommendations on the role of Supreme Courts in countering terrorism, which underline the need for the military personnel to “systematically prepare a report on the circumstances of the arrest, written by a judicial police officer such as the provost marshal or, failing that, by the most senior member of the military present at the scene”.<sup>36</sup> The use of a form to ensure that key information is collected by the military and transferred in a standardized format was pioneered by one Sahel State (where the investigating unit in charge of terrorism cases designed such a form for the use of military units). That State is







authorized by the African Union, consisting of units from LCB States and Benin. Boko Haram continues to commit attacks against civilians and military in all four LCB States. Over the past few years, thousands of individuals associated with Boko Haram have ended up in the custody or control of national authorities. Some have apparently surrendered, while others have been captured or arrested during military operations. Across the Lake Chad Basin, whole communities have been, and continue to be, deeply affected by all these events. Kidnappings and forced recruitment (and subsequent forced marriages) are also common. A deep sense of insecurity, resulting from ongoing attacks, a militarized environment, lack of livelihood and limited mobility, has become almost the norm. Views differ on the most effective approach to dealing with the many resulting challenges.

148. The Security Council has advanced comprehensive, whole-of-Government and whole-of-society approaches. Council resolution 2178 (2014) creates the requirement to develop prosecution, rehabilitation and reintegration (PRR) strategies for FTFs. In 2017, the Council applied aspects of the requirement to the Lake Chad Basin (resolution 2349



surrender or who are captured. The military is also the institution with the greatest numbers. Difficult questions therefore immediately arise (e.g., whether the military is legally competent to take such decisions, who is legally competent if it is not, and how should the laws, rules and policies in place be amended to ensure that the military can be integrated into the SPRR process. This question applies to the military in LCB

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must also conform to international standards relating to children, including juvenile justice standards, and be guided by the best interests of the child. In States of the Lake Chad Basin (whose populations are among the world's youngest), tensions may arise based on age-related assumptions and cultural perceptions.

## **2. Progress**

152. Two States have taken steps towards developing a comprehensive PRR strategy by creating bodies responsible for coordinating the handling of individuals associated with Boko Haram who have surrendered to the authorities. Those bodies include representatives of multiple ministries



simply released after they have been “cleared” by security actors or the criminal justice system to return to communities in accordance with the law. Efforts are underway to clarify these processes and to establish agreed criteria.

### **3. Limits and continued challenges**

155. Not all the building blocks for a comprehensive PRR approach are in place. There is therefore a need to strengthen the links between the various components involved. In one State, the handling of individuals associated with Boko Haram has been largely informal and has fallen on the shoulders of local communities (with minimal involvement, if any, from national authorities). This places tremendous strain on already limited resources and could lead to the development of approaches that vary significantly from community to community (including the risk that perpetrators of serious terrorist offences may not be held accountable owing to the limited involvement of State authorities).

156. In one State, the role played by the criminal justice system with respect to the PRR coordinating body is neither clearly recognized nor consistent at the screening phase (even though the prosecution service is the only body empowered to decide whether or not to charge). In another State, however, justice authorities regularly participate in the initial stages of decision-making.

157. In all four States, rehabilitation and reintegration support is primarily reserved for those individuals who have surrendered. In two States, arrested individuals are excluded from rehabilitation support and systematically prosecuted. In the other two States, a small rehabilitation programme has been developed in the prison system, but it has limited capacity. Conversely, individuals who surrender are not always carefully screened and are often exempted from prosecution without careful scrutiny because they are no longer seen as a threat despite Security Council and regional requirements.

158. These conceptual gaps are compounded by the significant practical challenges posed by the high volume of individuals associated with Boko Haram who need to be processed. Institutions lack ready capacity and the required



recognized in the others, thereby putting individuals at risk of being processed in more than one State.

159. The Lake Chad Basin States have made progress towards ensuring that PRR strategies and measures are appropriately tailored to gender and age, as well as an individual's particular experiences, in accordance with Council resolution 2396 (2017). In one State, unaccompanied minors who surrender are extracted from the PRR process as soon as the initial screening stage and are sent to a dedicated centre, in partnership with UNICEF, prior to being returned to their family. Accompanied minors remain with their families in the camps in which returnees are screened and rehabilitated, but receive



explicitly provide ways to address these complexities, except for general provisions concerning offences committed under duress.

163.

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(of whom many were foreign nationals, women and children). The rehabilitation process involves learning a trade, psychosocial counselling, civics training, literacy lessons, and a course on religion aimed at promoting religious tolerance. It is delivered by national authorities in partnership with CSOs. It should be noted that individuals who had been detained and later discharged or acquitted have also undergone professional training at a dedicated centre.

167. Questions of legality are raised by the use of these types of rehabilitation centre, which host individuals in quasi-custodial settings in which freedom of movement is controlled and persons are not free to leave. Without further clarification in law, the



support is intended not only to ease the reintegration of individuals, but also to benefit

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ISCAP also poses a significant threat in northern Mozambique (see Southern Africa regional outlook) and the links with ISIL in Somalia (see Eastern Africa regional outlook).

173. Violence perpetrated by other armed groups, including in Chad, the Democratic Republic of the Congo and the Central African Republic, continues to pose a threat to the overall stability of this subregion.<sup>53</sup> Armed violence in Central Africa continues unabated, with persistent threats posed by internal and cross-border armed groups challenging the subregion's stability.<sup>54</sup> In the Central African Republic, violence by armed groups further weakened political stability and security conditions, despite the ceasefire imposed pursuant to the 2019 Political Agreement for Peace and Reconciliation in the Central African Republic.<sup>55</sup>

174. The largely informal nature of the economies of this subregion, the predominance of cash, and the limited oversight of economic sectors and of non-profit organizations remain sources of concern. Border controls remain insufficient to detect and prevent movement of criminals, including terrorist suspects and cross-border trafficking in arms. Illicit arms flows throughout the Central African region and the widespread availability of SALW and their ammunition have continued to sustain terrorists and organized armed groups operating in the subregion.<sup>56</sup> Illicit trafficking in natural resources and the risk that terrorist groups would infiltrate and take advantage of gold- and other mineral-producing areas should be closely monitored. The increasing number of human rights violations (including conflict-related sexual violence) attributed to national defence and security forces risks further fuelling the population's distrust of defence and security forces. The humanitarian situation remains a source of serious concern and has been aggravated by the COVID-19 pandemic.<sup>57</sup>

## **B. Implementation of resolution 1373 (2001) in Central Africa**

### **1. From Prevention to rehabilitation**

#### **(a) Comprehensive and integrated counter-terrorism strategies**

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<sup>53</sup> The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa (S/2020/1154).

<sup>54</sup> The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa (S/2020/1154).

<sup>55</sup> Political Agreement for Peace and Reconciliation in the Central African Republic, signed in Bangui on 6 February 2019 (S/2019/145).

<sup>56</sup> Report of the Secretary-General, *Small arms and light weapons* (S/2019/1011).

<sup>57</sup> [It is estimated that, in 2021, 2.8 million Central Africans \(more than half of the population\) will require humanitarian assistance](https://reports.unocha.org/en/country/car/) [Office for the Coordination of Humanitarian Affairs, Central African Republic: Situation Report, 9 February 2021, <https://reports.unocha.org/en/country/car/>.] and [12.5 million people will require humanitarian assistance in the Lake Chad Basin](https://reliefweb.int/sites/reliefweb.int/files/resources/20201123_LCB_humanitarian%20snapshot_en%20covid.pdf) [OCHA, Humanitarian Snapshot, Lake Chad Basin, [https://reliefweb.int/sites/reliefweb.int/files/resources/20201123\\_LCB\\_humanitarian%20snapshot\\_en%20covid.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/20201123_LCB_humanitarian%20snapshot_en%20covid.pdf), OCHA, Central African Republic: Situation Report, 9 February 2021, <https://reports.unocha.org/en/country/car/>.] [In the Lake Chad Basin, the spill over of Boko-Haram violence to Cameroon and Chad has had devastating effects on food security and livelihoods.](https://reliefweb.int/sites/reliefweb.int/files/resources/20201123_LCB_humanitarian%20snapshot_en%20covid.pdf) [The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa (S/2020/1154)] [Central Africa has also witnessed a sharp increase in incidents directly affecting humanitarian workers.](https://reliefweb.int/sites/reliefweb.int/files/resources/20201123_LCB_humanitarian%20snapshot_en%20covid.pdf)









### **3. Opportunity and border security**

#### **(a) Passenger screening**

181. States of this subregion continue to possess very limited capacity to effectively control their borders and prevent terrorists' mobility. Access to INTERPOL databases has not generally been extended beyond the INTERPOL NCBs to the frontline. There remains a need for most States to strengthen the capacity of their respective NCBs in order for them to gain effective access to key databases relevant to their work and ensure essential connectivity to INTERPOL resources. All States of this subregion participate in the INTERPOL I-ONE project. For the five States equipped with a computerized travellers' immigration entry/exit management system, those systems are located mainly at international airports. Land and sea border control posts (BCPs) continue to rely on manual, paper-based systems. The implementation of API and PNR systems remains part



terrorism offences are still defined under the Military Criminal Code. In another, specialized units have exclusive competence over the investigation, prosecution and trial of acts of terrorism. In addition to CEMAC regulation No. 2/10, five States have adopted specific provisions allowing for the use of SITs inter alia, interception of communications, undercover operations, surveillance and house searches) in terrorist investigations. Conditions of authorization and review of those techniques vary. It is not known to what extent those SITs have been used or tested by the authorities. The sharing of



(a) **Effective mutual legal assistance and extradition**

188. Since 2016, no State has developed publicly available guidelines on national laws and procedures to facilitate the processing of MLA or extradition requests. Only two States incorporate the obligation to prosecute in the event that the State refuses to extradite a suspected terrorist. The principle *aut dedere aut iudicare* is established in article 164 of CEMAC Regulation No.01/2016, but this article is limited to terrorism financing.

(b) **Ensuring effective exchange of information and intelligence**

189. There is limited information available regarding bilateral cooperation between States in terrorism-related investigations. Three States are part of the International Conference on Peace, Security, Democracy and development in the Great Lakes Region, which has adopted a regional programme of action that, inter alia, provides for the joint management of border security, efforts to combat transnational crime, and counter-terrorism. Two States have incorporated into their legislation the possibility for national authorities to set up joint investigation teams. The counter-terrorism legislation of one State encourages the establishment of bilateral or multilateral



among national border-controls and law enforcement services, and with foreign counterparts.

## **Asia**

### **Pacific Islands**

**(Fiji, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu)**

#### **A. Terrorism trends**

##### **1. Risks**

190. No State of the Pacific Islands subregion has experienced a terrorist attack. The terrorism risk to States of the subregion is considered to be low, owing to their isolated geographic location, transport limitations, their small size and populations (factors that deters anonymity), and their relatively small financial and commercial sectors. Pacific Island States have porous maritime borders and limited capacity to manage their territorial waters. They are also vulnerable to cybersecurity threats. Although there is no current indication that FTFs are being recruited from any of the Pacific Island





197. The legislation of nine States covers the financing of both an individual terrorist and a terrorist organization. No State has fully established and implemented an effective mechanism for freezing assets without delay as required by resolution 1373 (2001), and no State has frozen assets pursuant to resolution 1373 (2001). Several States have, however, introduced asset-freezing legislation, as well as some form of system to freeze suspected terrorist funds.

198.







asylum seekers processed on behalf of another State. The Government of Fiji works closely with UNHCR to fulfil its obligations pursuant to the 1951 Refugee Convention.

**4. Bringing terrorists to justice**

**(a) Planning and preparation**

205. Eleven States of the subregion have established jurisdiction to prosecute acts that are conducted in the State with the aim of committing terrorist acts against other States or their citizens outside the State's territory. However, in view of the lack of terrorism proceedings throughout the subregion, State practice is uncertain in this regard. Marshall Islands, Palau, Solomon Islands and Vanuatu do specifically criminalize



208. Although most Member States

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of detention is 48 hours (which may be extended by court order for an additional seven days, without the need for the filing of criminal charges against the person). The legislation of Marshall Islands also permits such detention to be enacted to prevent a person from interfering with an investigation relating to suspected terrorism. The extended period of time for removal is logical, considering the geographical location of Pacific Island States and the limited number of flights and passenger ships servicing them, but the existence of such administrative powers (even though never utilized) raise some concern.

213. Papua New Guinea has adopted special laws that confer specific powers on law enforcement officers in terrorism cases, allowing the State to designate prohibited and restricted areas, in which police can make arrests without warrants when terrorism is likely. However, the designation of such areas shall not exceed three months.

**5. Activating international cooperation**

**(a) Effective mutual legal assistance and extradition**

214. All 12 States of the subregion have enacted extradition and MLA laws. Although no State of the subregion has developed separate guidelines for their domestic laws and procedures, the extradition and MLA laws of all States of the subregion contain clear provisions for rules and procedures, and the laws are made publicly available. Improvements could be made with regard to publicizing the names and contact information of the relevant staff of central authorities. Nine States are part of the Commonwealth's cooperation in criminal matters between States such as the "Harare Scheme"<sup>60</sup> for MLA and the "London Scheme"<sup>61</sup> for Extradition. Eleven States have



police officers have been seconded to the Australian Federal Police and to Fiji and Samoa, through the PTCN. Vanuatu also has an agreement with



## **A. Terrorism trends**

### **1. Risks**

216. Since the previous global survey, ISIL has continued to lose territory in Iraq and the Syrian Arab Republic and has become more active in South-East Asia. ISIL-inspired FTFs have infiltrated the region and local terrorist groups continue to be inspired by, and pledge allegiance to, ISIL. South-East Asia remains a source, transit point and destination for ISIL fighters, as well as militants connected to, inter alia, the Abu Sayyaf Group (ASG) (also known as the Islamic State East Asia Province), Al-Qaida, and Jemaah Islamiyah.

217. ISIL leaders endorsed the jihad declared on the island of Mindanao in the southern Philippines in 2016 and encouraged fighters unable to reach the Syrian Arab Republic to instead travel to the Philippines. Governments of the region expressed strong concern that ISIL would attempt to use the southern Philippines as a gateway to establish a foothold in South-East Asia. In May 2017, FTFs affiliated with ISIL and militants associated with the ASG and the Maute Group (also known as the Islamic State of Lanao) attacked and occupied sections of the lakeside town of Marawi, on Mindanao. Clashes with government forces erupted, leading to a five-month siege that devastated Marawi City. Following the siege, the Philippine Government established the autonomous local Muslim government in Mindanao and is making efforts to involve ex-



and Iraq. As of January 2021, a number of FTFs from South-East Asia have returned to their home States or relocated to other States of this subregion. The risk of radicalization and recruitment in detention and correctional facilities is high in the South-East Asia subregion and many States are experiencing significant problems relating to overcrowding in prisons exacerbating that risk.<sup>63</sup> Additionally, a number of prisoners previously incarcerated on terrorism charges have already or are approaching the end of their sentences, and pose a threat upon their release.<sup>64</sup>

221. Governments of South-East Asia have noted that terrorist recruitment in the subregion has mostly been carried out through peer-to-peer interactions, rather than through online platforms. Recruitment has declined during the COVID-19 pandemic (the online recruitment efforts of ISIL in Malaysia have showed a sharp decline during this period). Governments are aware, however, that local terrorist



organizations may have relevant knowledge of, access to and engagement with local communities to be able to confront the challenges of recruitment and radicalization to violence. All States of this subregion are aware of the importance of adopting a “whole-of-society” approach in countering terrorism and the value of engaging with, and including, relevant stakeholders across Government, civil society and the private sector.

224. States of this subregion have established ties with the private sector and set up public-private partnerships (PPP) in a range of critical areas (e.g., air and maritime security and the protection of critical infrastructure and “soft” targets). States have also developed PPP to address both the preventive and investigative aspects of CFT. For example, Malaysia has established an AML/CFT training centre for government officials and employees of financial institutions. In 2020, Malaysia launched the MyFINet initiative (involving the Central Bank, police, customs, and 18 reporting institutions) to facilitate information-sharing between law enforcement agencies and reporting institutions aimed at strengthening the detection and investigation of terrorism financing. In 2017, Singapore established the AML/CFT Industry Partnership (ACIP) between the Central Bank, the police, and private financial institutions to encourage and enhance case-specific investigative collaboration. Singapore also recently set up a 24/7 Task Force (which includes money remittance companies) to conduct investigations into terrorist attacks. Indonesia’s Fks



227. Some States of South-East Asia are working closely with local communities and non-governmental actors in countering violent extremism leading to terrorism. Several States have developed national action plans and promote a whole-of-society approach that involves community and religious leaders, academia and educators, business owners, health and social workers, women's and youth groups, and a range of CSOs, in areas such as prevention, detection, rehabilitation and reintegration. The Association of South-east Asian Nations (ASEAN) has







233. Since the previous survey, Indonesia introduced amendments to its counter-terrorism law in 2018 and the Philippines introduced a new counter-terrorism law 2020 and several States have amended their criminal codes to criminalize recruitment of members to a terrorist group. Nine of the 11 States of the subregion specifically and fully criminalize terrorist recruitment. The other two States can use existing general legal provisions to punish recruitment to terrorism.

**(b) Financing of terrorism**

234. Over the past five years, all South-East Asian States have made great progress in countering the financing of terrorism. All States have criminalized the terrorism-financing offence as a standalone offence, and all States but two penalize the financing of both terrorist individuals and terrorist groups. All States are parties to the 1999 International Convention for the Suppression of the Financing of Terrorism and are active members of the Asia/Pacific Group on Money Laundering (APG).

235. All States of this subregion have introduced mechanisms to freeze terrorist assets and funds “without





records the biographical data of all travellers entering and exiting the State. Four States employ varying degrees of enhanced biometric systems at key points of entry.

243. Cross-border or intraregional cooperation in South-East Asia is hampered by stark differences in border-management capacities. ASEAN (which includes 10 States of this subregion) has stated that a shared regional



247. The legislation of all States of South-East Asia specifically provides for the interception of communications with a court order in the investigation of terrorism cases. Some States provide for











in Jammu and Kashmir, killing 8 security personnel. On 18 September 2016, Jaish-

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keep their members motivated. Some have migrated to the dark web and encrypted platforms, creating additional difficulties for investigators and law enforcement officials. In December 2020, the eleventh issue of the pro-ISIL web magazine “Voice of Hind” was released on numerous websites. The magazine is intended to appeal to Muslims in the Indian subcontinent and beyond. The magazine featured an article allegedly written by ISIL supporters in Maldives that stressed the importance of encouraging and planning attacks in the West, as well as attacks targeting Westerners in Maldives and the State’s military and police. The article also offered guidance on planning and claiming responsibility for attacks and argued that democracy and Islam are incompatible and provided justification for immolation as a form of execution.

265. Many States of this subregion have large, informal and cash-based economies which have made them vulnerable to terrorism financing. Some States of this subregion (e.g., Afghanistan) are known hubs for large-scale narcotics trafficking which poses special challenges with respect to CFT. Narcotics production and trafficking, and the current and potential revenue streams that they provide to terrorist organizations, further complicate the security



269. Prosecutors and police have gained experience and capacity in obtaining electronic evidence across borders through police-to-police cooperation; direct communication with service providers; and the MLA process. Practitioners have also become aware of the importance of timely requests for the preservation of electronic evidence directed at service providers and have begun to acquire familiarity with the requirements of major service providers.

270. As the capacity of police and prosecutors continues to improve in this area, it will be essential for judges and magistrates to familiarize themselves with the technical, operational and legal issues that arise with electronic evidence, as judges are charged with ruling on the admissibility of evidence and deciding other challenges which frequently arise in cases involving electronic evidence such, as the right to privacy. It is therefore recommended that States of this subregion include judges and magistrates in trainings and capacity-building activities involving electronic evidence.

271. Law enforcement personnel require significant resources and technical expertise to extract and analyse electronic evidence. Many smaller agencies and police departments lack adequate resources for the effective collection and analysis of such evidence. It is therefore recommended, that States of this subregion encourage the formation of





independent and several remain under-resourced in terms of staffing and equipment. The FIUs of some States would benefit from revised legislation to permit them to spontaneously share financial intelligence with law enforcement agencies and also allow law enforcement and other agencies to also directly request financial intelligence. Five States are active members of an intergovernmental group of FIUs, and one State is in the application process.

278. Four States of South Asia and the Pacific (3512 to 09) and Cash and BNI suspected to be related to money-laundering and terrorism financing. Two other States have introduced legislation providing that funds could be restrained if necessary. In one Asian State, the declaration system is insufficient for AML/CFT objectives and the customs authorities (a)7(1)] TJBT/F1 12 Tf1 0 0 1 1





breeder documents, and now issues ePassports and participates in the ICAO PKD. Pakistan has transformed its passport production system into a fully automated processing system that features a range of security measures to cross-check biographical data against national identification databases to ensure that passports are issued to their rightful owners. It also now issues ICAO-compliant MRTDs incorporating security features. Bangladesh has also launched a programme to replace over six million handwritten passports with ePassports and also now participates in the ICAO PKD. Maldives now issues ePassports. However, some States of this subregion continue to face challenges relating to the use of fraudulent identity and travel documents, and further steps need to be taken to secure the production of travel documents and update them through the addition of modern security and anti-forgery features. Border-control authorities of some States would benefit from training in the identification of fraudulent passports, as well as in the effective screening of passengers.

285. Although most States of this subregion have developed and use landing cards for incoming passengers (and, for a few States, departing passengers), only Maldives (which uses the PISCES system) is known to record and store



#### **4. Bringing terrorists to justice**

##### **(a) Planning and preparation**

288. Since the previous survey, the States of South Asia have been actively working to fully implement the legal aspects of resolution 1373 (2001). India and Maldives have substantially updated their counter-terrorism legal regimes and several States have taken steps to enact provisions implementing resolution 2178 (2014). Afghanistan has amended its Criminal Code since the previous survey, in part to facilitate the prosecution of terrorism offences. However, as at the time of the previous survey, most States of this subregion do not expressly criminalize acts of planning and preparation as autonomous offences (although they may have the ability to prosecute these acts by applying theories of accessorial and conspiracy liability). As a practical matter, this distinction has not meaningfully impacted the prosecution of the planning of, and preparation for, acts of terrorism. In certain geographies, UN designated terrorist entities and their affiliates, including those banned under domestic law in accordance with resolution 1373 (2001), operate publicly including through public rallies, and raising funds in support of terrorist activities. There are also instances, where affiliates/front of banned terrorist entities operate under different names and across borders.

##### **(b) Capacity**





291. States of this subregion have improved their capacity to use SITs since the previous survey. Interception of communications and electronic surveillance are the most common forms of SIT and are used in five States.

292. Some States of this subregion have established some form of oversight mechanism for law enforcement agencies with a view to ensuring professionalism and respect for human rights in their counter-terrorism work. However, most oversight mechanisms are not legally and functionally independent (notably having reporting lines outside the police or military hierarchy) and lack the capacity to prosecute misconduct by law enforcement officers or to investigate and refer cases to an independent prosecutor. Numerous United Nations human rights mechanisms, including the High Commissioner, have noted numerous instances of police and security force abuses, including extrajudicial killings and torture.

(c) **Rule of law**

293. The definition of terrorist acts in the legislation of numerous States of this subregion is overly broad with and applies to acts beyond the scope of the international instruments.

294. States of this subregion have experienced challenges in fully respecting the rule of law in terrorism cases. In one State of this subregion, suspected offenders have been subject to pre-trial detention without access to counsel and the opportunity for review of the detention by an independent judicial officer. In another State, the relevant authorities are permitted up to 180 days to provide the accused with the details of the offence charged. In some States, the right to judicial review of pretrial detention exists but because courts face extremely heavy caseloads the review is unduly delayed and suspects may not be informed of the charges against them until significant intervals may have passed.

295. Four States of this subregion have not introduced laws conferring emergency powers on authorities to counter terrorism. Three other States having emergency powers that are not subject to sunset clauses.

**5. Activating international cooperation**

(a) **Effective mutual legal assistance and extradition**

296. Since the previous survey, States of this subregion have improved their subregional and international cooperation with respect to formal legal cooperation (e.g., MLA and extradition). Four States of this subregion have designated, or are in the process of designating, national central authorities for MLA and extradition. India, which designated its Ministry of Home Affairs as the central authority for mutual legal assistance and its Ministry of External Affairs as the central authority for extradition, updated its guidelines for mutual legal assistance in 2019 to enhance





Design and implement legal and operational measures to determine eligibility for refugee status and asylum.

Enhance the capability of police, prosecutors and judges to obtain and handle electronic evidence (including the extraction and forensic analysis of evidence from electronic devices) and submit requests for MLA to obtain evidence from ISPs and social media companies.

Establish effective, independent and impartial mechanisms for law enforcement and security forces with counter-terrorism responsibilities and provide personnel with training in human rights-complaint investigative and interrogation techniques.

## **Central Asia and the South Caucasus**

**(Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan)**

### **A. Terrorism trends**

#### **1. Risks**

298. Central Asia continues to face significant security challenges, including because of its immediate proximity to regions marked by active terrorist activity, illicit drugs and arms trafficking, vulnerability to terrorist propaganda and recruitment, and risks associated with widespread reliance on alternative money remittances. Border protection and management in both Central Asia and the South Caucasus continues to be hampered by insufficient resources, difficult terrain and unresolved disputes, which also affect regional and international cooperation.

299. The United Nations currently lists three terrorist organizations active in Central Asia as being affiliated with ISIL and/or Al-Qaida: the Eastern Turkistan Islamic Movement, the Islamic Jihad Group, and the Islamic Movement of Uzbekistan. There have been a relatively limited number of terrorism-related attacks or incidents in Central Asia in recent years. However, the number of terrorist attacks carried out by Central Asians outside the region has increased. In 2017, Georgia conducted a large-scale counter-terrorism operation involving an individual listed by the United Nations as being affiliated with ISIL and/or Al-Qaida.

300. Most States of Central Asia and the South Caucasus have been affected by the FTF phenomenon, both as States of origin (for several thousands of fighters) and as transit routes. Fighters from these subregions were among the senior commanders of ISIL and the Al-Nusrah Front (and three are currently listed by the Security Council). In recent years, the phenomenon of returning and relocating FTFs has also become a concern.



301. New radicalization risks relating to the pandemic should be closely monitored. In Central Asia,<sup>76</sup> radical religious communities have

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Arab Republic and Iraq and their locations in camps or prisons; negotiations with relevant State and non-State actors to obtain their release and safe passage; ensuring **accountability through prosecution, as well as the** abandonment of ISIL- tactics, influences and ideologies; deploying highly skilled rehabilitation professionals; ensuring safe living conditions and opportunities in the long term; as well as tackling stigmatization and discrimination within communities.

303.



Kazakhstan,<sup>78</sup> has established 17 specialized centres in several regions of the State. Uzbekistan<sup>79</sup>

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308. Armenia and Georgia have adopted comprehensive strategies. In Georgia, various stakeholders (including local authorities and civil society actors) are engaged in the strategy's implementation, and a standing body has been established to oversee implementation. Armenia has also developed and implemented a programme for implementation of its strategy. The third



312. All States of the two subregions have established legal frameworks allowing, in principle, for the freezing of terrorist assets without delay. In practice, the speed with which the freezing measures in place pursuant to resolution 1373 (2001) are implemented depends on the grounds of designation or decision to freeze the





five States, there remains a need to further strengthen the capacity of customs officers to identify, prevent and detect money-laundering and terrorism financing conducted via cash couriers.

315. The Governments of Armenia and Azerbaijan have conducted comprehensive assessments of the vulnerability of their NPO sectors to abuse for terrorism-financing purposes. One of those States conducts regular reviews and considers the risk to be relatively low because of the strict regulations in place on NPO registration and reporting. In the other State, the main considerations taken into account were the key characteristics of NPOs in the State, the regulations in place on their interactions with higher-risk States, and the absence of favourable conditions for terrorist activities and terrorism financing in that State. The third State has not yet carried out a standalone assessment of the terrorism-financing risk of its NPO sector. In Kazakhstan, the FIU conducts a biannual analysis of the vulnerability of the NPO sector to AML/CFT risk, with special attention to fighting sports, private boarding schools and orphans' homes, as well as religious schools. Two other Central Asian States have taken steps to assess or review the terrorism-financing risk to their non-profit sectors, either as a separate one-off exercise, or as part of the national AML/CFT risk



by the Ministry of the Interior), thus allowing all officers of law enforcement, investigative, and migration authorities to perform real-time online checks.

318. No State of Central Asia or the South Caucasus has completed the implementation of an API system, but most have taken steps in that direction, including through requests for technical assistance, comparative analysis of existing systems, creation of inter-agency task forces, and the initiating of legislative reviews and procurement processes. In some States, certain airlines voluntarily provide API, but there is no adequate legislative framework in place. Where applicable, the Committee has welcomed the progress achieved and encouraged the States concerned to actively manage and complete their implementation of an API/PNR system. The Organization for Security and Cooperation in Europe (OSCE) has been actively assisting Central Asian States in this area. At least one State has confirmed its willingness to receive assistance under the UN Countering Terrorist Travel Programme.

319. In Central Asia, border guards utilize existing risk analysis, profiling, and tip-offs received from law enforcement agencies of other States to identify individuals requiring greater scrutiny. In Georgia, risk analyses are issued monthly and shared with officials working at BCPs.

320. At least two Central Asian States can use INTERPOL databases to detect false documents. Uzbekistan uses its own software, which provides images, descriptions and security features of genuine travel and identity documents issued by other States and international organizations. One State of the South Caucasus has equipped its BCPs with mobile and stationary equipment (including passport readers and mini laboratories), as well as employees with training in travel-document examination. The Committee has assessed that another State of the South Caucasus could benefit from more advanced travel documentation equipment and specialized software. Two States of this subregion automatically record data on the entry/exit of persons crossing their borders. In Central Asia, there is insufficient information regarding the implementation of automated systems to record and store the entry and exit of persons crossing the borders, but at least two States use such systems at certain airports and BCPs.

321. All States of the two subregions have measures in place to cooperate with other States on border management, including through bilateral agreements with neighbouring States (providing for exchange of information and joint training) and cooperation with regional agencies. Regional counter-terrorism and border security efforts in Central Asia are coordinated, in particular, through the relevant structures of the Anti-Terrorism Center of the Commonwealth of Independent States (CIS-ATC), the Collective Security Treaty Organization (CSTO) and the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization (SCO RATS), including joint trainings and tabletop exercises. OSCE has supported the States of the region through, inter alia, training courses on the detection of forged documents and imposters. States of the region (especially those bordering Afghanistan) also receive a significant amount of international assistance in this area (including through UNDP IOM, and the Border Management in Northern Afghanistan



(BOMNAF) and Border Management in Central Asia (BOMCA) initiatives). In the South Caucasus, permanent cooperation frameworks also include the European Border and Coast Guard Agency (Frontex), as well as global arrangements such as INTERPOL and WCO. Armenia and Georgia have concluded an agreement on border management facilitating cooperation between their respective State agencies.

322. All three South Caucasus States have RSD systems in place. In one State, this includes



involved in terrorist activity, including in cases where terrorist actions are planned or carried out outside the State, but are detrimental to the interests of that State, as well as in other cases provided for in international treaties to which the State is a party.

325. Acts of planning, preparation and supporting of terrorist



or covert assistants. In general, permission to use SITs is not required for standard investigations (e.g., search of computer hardware). Justification and, typically explicit approval of the overseeing authority (in most States, the Office of the Prosecutor-General; in one State, the investigative judge) for the use of wiretapping or other intrusive measures conducted without alerting the subject of investigation must, however, be provided. Most States allow for exceptions in urgent cases relating to very serious crimes on the condition of ex post facto court authorization (South Caucasus) or subsequent determination/confirmation of legality by the competent prosecutor or investigative judge (Central Asia). One South Caucasus State requires that all information collected using SITs be destroyed after six months if it does not reveal useful information for the investigation.

329. During the period when the States of Central Asia were faced with large-scale outflows of



(c) **Rule of**



MLA and extradition in order to inform foreign authorities about the requirements that must be met to obtain assistance or extradition. The other State has made some information available via the website of the Council of Europe (although only in summary).

337. Kyrgyzstan has included an explicit provision in its counter-terrorism law stipulating that, in the event of refusal to extradite a foreign person or stateless person not permanently residing in the State who committed or is suspected of having committed a crime of terrorist nature, the person concerned shall be subject to criminal prosecution on the grounds and procedures stipulated by national legislation. In other States of the subregion, the principle *aut dedere aut iudicare* is reflected only partially or not at all. The two CIS Conventions on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases, signed in Minsk in 1993 and in Chisinau in 2002, respectively, provide for the prosecution of the State's own nationals, as they cannot be subject to extradition.

338. In the South Caucasus, only Georgia has introduced domestic legislation that includes provisions to ensure that the *aut dedere aut iudicare* principle would be fully complied with in practice. The legislation of one other State of the subregion provides for prosecution in cases where extradition has been denied, but only on family ground at the request of the State seeking extradition (which is inconsistent with the mandatory nature of the rule).

339. Georgia and Kazakhstan have introduced specific legal frameworks for the establishment and functioning of joint investigation groups involving foreign authorities. The possibility of establishing international joint investigation groups is also provided for in the 1999 CIS Agreement on the Procedure of Stationing and Cooperation of Law Enforcement Agents in CIS States and in the Chisinau 2002 Convention. A draft agreement 792 reW\*nBT/F1 0912 0 612 792 reW\*nQq0.00000912 0 61









characterized by limited stabilization and reconstruction prospects. ISIL's presence continues to fuel sectarianism and increase the intensity, duration and complexity of conflict in Western Asia. Many factors may have contributed to assisting States of Western Asia to address the emerging threats and challenges associated with FTFs. These include the fact that the phenomenon is not new to the subregion. Several of these States introduced legislative and operational measures two decades ago in their efforts to deal with "Arab Afghan" returnees in the aftermath of the war in Afghanistan. Also, all States of this subregion have introduced measures to implement resolution 1373 (2001) which can be used to address issues related to the FTF phenomenon.

345. States of this subregion have expressed concern at the increasing use of the Internet for terrorist purposes, including for the dissemination of terrorist propaganda and recruitment through popular social media networks. Access to the Internet has also increased in States of this subregion during the COVID-19 pandemic, giving terrorist groups a wider audience. Most States of this subregion recognize the threat posed by the dissemination of unchallenged narratives through social media and its impact on recruitment. Some States have enacted legislation and regulations on cybercrime and/or the use of the Internet for terrorist purposes, but these have proven insufficient to stem terrorist recruitment activities, particularly online.

## **B. Implementation of resolution 1373 (2001) in Western Asia**

### **1. From preventivesol**



## **2. Addressing enablers of terrorism**

### **(a) Recruitment**

348. At the time of the previous global survey, few States had explicitly criminalized terrorism recruitment in their legislation. The remaining States continued to rely on general provisions in their respective criminal codes, criminalizing various forms of participation in terrorist organizations (which would encompass the act of recruitment).

349.



enforcement databases; updated software and data-mining tools; and provided specialized training programmes to financial institutions, criminal justice officials, and customs and border officials to build capacity. The persistent shortfalls include the lack of trained human resources and IT tools, which hampers the efforts of FIUs to produce and implement strategic analysis on STRs. Eleven States of the region are members of the MENAFATF, with Saudi Arabia also being a member of the FATF. One State is not part of any FSRB.

353. Among the key gaps hampering the efforts of States of this subregion to disrupt the flow of funds is the inadequate sharing of information and intelligence. There remains no subregional platform or network to facilitate the exchange of comprehensive and timely information among law enforcement agencies and intelligence partners concerning financial flows that bypass financial institutions.

354. Almost all States of this subregion have undertaken some form of risk assessment regarding the vulnerability of their non-profit sectors to abuse for terrorism-financing purposes. Good



varies. Several States have extended the INTERPOL I-24/7 database to frontline officers at official BCPs. However, not many States of this subregion have reported on the extent to which they populate INTERPOL databases through their respective NCBs. The Committee has noted that one State is a particularly active user of INTERPOL services and noted its good practice in being proactive in building up relationships with law enforcement and border management agencies with other States of other regions well in advance of an anticipated increase in foreign visitors.

358. Most States have not introduced adequate measures to ensure that frontline officers tasked with regulating the movement of persons across borders are provided with up-to-date information on a real-time basis to conduct effective evidence-based travel risk assessment and screenings to help to identify suspected terrorists. Some Gulf States have embarked on projects to fence off border sections that are at high risk of infiltration. Borders shared among Gulf States have benefited from safety and security afforded by the high level of coordination among law enforcement agencies. Most of these States have advanced mechanisms in place to record the entry and exit of persons crossing their borders, particularly through airports.

359. The Gulf States of this subregion continue to cooperate within the framework of the Cooperation Council for the Arab States of the Gulf, especially in sharing information and intelligence. Apart from bilateral arrangements, the remaining States of this subregion have not established a subregional platform that would allow for effective and expeditious exchange of information. States engage in bilateral border-management cooperation on a more informal basis and have yet to develop a more sustainable platform for cooperation.

360. No Member State of this subregion has RSD procedures or specific legislation in place to prevent the granting of asylum to an individual who has planned, facilitated or participated in a terrorist act. The Committee has reiterated the need for domestic legislation and framework in this area, to be applied in a manner consistent with the 1951 Refugee Convention. Few States of this subregion have borne a disproportionate burden of refugee and asylum seekers in recent years, despite its proximity to the conflict zones. UNHCR has expressed concern at the lack of formal screening methods or standard operating procedures in the RSD process.

#### **4. Bringing terrorists to justice**

##### **(a) Planning and preparation**

361. All States of this subregion have introduced legislation providing for the prosecution of any preparatory or accessory acts that are conducted in the State with the aim of committing terrorist acts against other States or their citizens outside the State's territory. The legislation is not explicit in this respect, but arises instead through general extraterritorial principles of domestic criminal law applicable to terrorism offences.



362. The previous survey noted that



role (even though few States have empowered the Public Prosecutor with the necessary tools to ensure proper oversight of law enforcement activity).

366. In most States of this subregion, the definition of terrorist acts is overly broad and not clear and precise, and thus risks applying to acts beyond those envisaged in the international counter-terrorism instruments. Common shortfalls in this regard include the use of overly broad or open-



requirements that must be met to obtain assistance or extradition via their relevant ministries' websites. The League of Arab States has established the Arab Judicial Network to enhance subregional cooperation on criminal matters, but not all States of this subregion have appointed a focal point.

371. The domestic legislation of States of this subregion does not ensure that the *aut dedere aut iudicare*





Introduce API or PNR systems, with appropriate privacy and data protection safeguards,

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interests abroad have also been specifically targeted. A suicide car-bomb attack was carried out against the Chinese Embassy in Kyrgyzstan in August 2016 and in 2018 several attacks were carried out in Pakistan (the last of which involved an attack by Balochistan separatists against the Chinese consulate in Karachi). States of this subregion have adopted policies of zero tolerance for terrorism and have enhanced their legislation and security institutions to actively prevent and combat terrorism.

374. The East Asia subregion was believed to be largely untouched by the conflicts in Iraq and the Syrian Arab Republic, but reports indicate that ISIL and affiliated groups had recruited individuals as FTFs. Nationals of States of this subregion have also been recruited by other terrorist organizations and there is concern at the potential return of FTFs to their home countries.. In view of the sophistication of the subregion's technological infrastructure, there are concerns that more young people may become victims of recruitment and all States have taken steps to counter the spread of terrorist propaganda online.

375. East Asia may face security challenge by the States in preparing and holding the forthcoming Olympic events. Even though the subregion has recent experience of hosting international sporting events, the subregion must continue to strengthen border security and cooperation in order to address the heightened security risk deriving from evolving terrorist threats. There is considerable room for improvement in cooperation and information-sharing between the States of East Asia.

## **B. Implementation of resolution 1373 (2001) in East Asia**

### **1. From prevention to rehabilitation**

#### **(a) Comprehensive and integrated counter-terrorism strategies**

376. Three States of the East Asia subregion have introduced a comprehensive and integrated counter-terrorism strategy. The Republic of Korea has adopted a strategy that focuses on six key areas (including security and human rights); China has adopted strategies to address domestic terrorism and threats from abroad, as well as specific strategies on law enforcement, cybersecurity, protection of critical infrastructure, and other key areas. Japan's Terrorism Action Plan identifies 16 necessary terrorism prevention measures. The three States have also created overarching government structures to address and coordinate counter-terrorism matters. Mongolia has also established a centralized body, the National Counter-Terrorism Coordination Council (NCTCC), which consists of a broad range of counter-terrorism agencies, defines counter-terrorism priorities and coordinates government prevention activities and responses.

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individuals, groups, undertakings and entities. Review pursuant to Security Council resolution 2368 (2017) was concluded on 24 November 2020.



(b) **Risk assessment**

377. Law enforcement and other security agencies of four States are known to conduct threat and risk assessments relating to terrorism. China's Counter-Terrorism Law stipulates that risk assessments of key potential targets should be conducted regularly. Mongolian law enforcement and border-control agencies have adopted risk-management methodologies. Two States conduct regular threat and risk assessments as part of their operational approach to security. These States



381. All five States have introduced legislative provisions governing the power, functions and operations of their FIUs. Four States have established a fully functioning FIU, with satisfactory



and border-security officers. Another State integrates INTERPOL information in real-time into its uniform database for immigration and border control. One State has not yet extended real-time information to its frontline officers and appears to use an older system, which requires the NCB to





be taken, and wiretapping and covert surveillance may be authorized in certain circumstances. Interception of communications and access to postal articles, as well as search-and-entry powers, also appear to be authorized either by law or upon receipt of special authorization, depending on the State. In one State, counter-terrorism legislation grants specific permission to public security authorities to stop, search and investigate suspects.



restrictions on access to counsel in terrorism cases; extended period of pre-trial detention; the taking of confessions without lawyers present; reports that the presumption of innocence, although stated in the law, is not always respected in practice; and concerns regarding the independence of the judiciary. In one Member State, for example, subjects can be detained in police cells for a period of up to 23 days, with limited access to a lawyer and without the possibility of bail.

395. The counter-terrorism legislation of all five Member States appears to grant added powers to certain authorities to counter terrorism. The legislation of one State grants authority for the collection of information relating to the finances, movement, and location of terrorist suspects, and the legislation of another confers broad powers on public security authorities to impose a range of restrictive measures against persons being investigated on suspicion of terrorism activities. One State has adopted additional counter-terrorism laws and regulations authorizing special powers. These special laws are not subject to sunset clauses.

## **5. Activating international cooperation**

### **(a) Effective mutual legal assistance and extradition**

396. Four States of this subregion have enacted laws on extradition and MLA. Although no State appears to have developed separate guidelines on its related domestic laws and procedures, the extradition and MLA laws of all States of the subregion contain clear provisions on rules and procedures and are made publicly available. Greater efforts should be made to publicizing names and contact information of relevant staff in central authorities. Only one State clearly embodies the “extradite or prosecute” principle in its legislation (extending it to nationals, foreigners and stateless persons in all circumstance). In the remaining States, either application of the principle is limited to





## Priority recommendations

Develop comprehensive and integrated national counter-terrorism strategies and effective mechanisms to implement them, in accordance with Security Council resolutions 1963 (2010), 2129 (2013) and 2395 (2015).

Review and revise legislation to ensure that definitions of terrorism contained in national laws are not overly broad or vague and that terrorist offences capture only intentional violent acts involving clear terrorist intent and do not criminalize peaceful assembly, non-violent protests, or legitimate expression of opinions or thought.

Strengthen measures to counter the financing of terrorism including enhancing the capacity of FIUs, enhancing asset-freezing legislation in compliance with the requirements of resolution 1373 (2001) (including freezing without delay), and preventing the illicit cross-border movement of funds.

Extend access to the INTERPOL I-24/7 to national law enforcement authorities.



that mass arrests and lengthy periods of detention without charge are not used as part of terrorism prevention policies.

## **Latin America**

### **Central America**

**(Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama)**

#### **A. Terrorism trends**

##### **1. Risks**

399. Even though the terrorist threat remains low, the Central America subregion has for many years been forced to contend with violence and corruption stemming from organized crime and drug trafficking. States of the subregion have continued to strengthen their counter-terrorism efforts, primarily within the framework of the Inter-American Committee against Terrorism of the



South America to the United States. Both the Northern Triangle and the Southern Region are known to be the settings for significant levels of arms shipments, both within the subregion and to insurgency and criminal groups in States of South America.

403. States of the subregion are alert to the rising threats of extremism linked to groups motivated by racism, xenophobia and related intolerance, and other forms of violent extremism **conducive to terrorism**. There is no known operational activity linked to international terrorism in Central America but the perception that the terrorist threat is low could increase the region's vulnerability to terrorism recruitment and financing. There is recent evidence that criminal organizations may be adopting terrorist tactics and that cells have surfaced in the subregion. In 2019, the Nicaraguan National Police stated that it had dismantled two groups of criminals which had intended to carry out terrorist attacks in the departments of Chinandega, León and Masaya.

## **B. Implementation of resolution 1373 (2001) in the Central America region**

### **1. From prevention to rehabilitation**

#### **(a) Comprehensive and integrated counter-terrorism strategies**

404. No State of this subregion has developed a comprehensive and integrated counter-terrorism strategy or action plan as recommended in Security Council resolutions 1963 (2010), 2129 (2013) and 2395 (2015). Three States have continued to implement national security strategies that include counter-terrorism as component and to stress the need for regional and international cooperation. In other States, efforts have been made to review compliance with the international counter-terrorism instruments, strategize implementation of Security Council resolutions on terrorism, gather data relating to government counter-terrorism measures, report on actions taken, and recommend new measures.

#### **(b) Risk assessment**

405. Although most States do not appear to conduct systematic assessments of the terrorist threat and risks, three States have established agencies for conducting assessments in the areas of prevention, intelligence detection, and investigation. For example, Mexico has established the Centre for National Intelligence in the Secretariat of Security and Citizen Protection, which is the lead agency for detecting, deterring, and preventing terrorist threats. In November 2018, Paraguay launched its National Intelligence System (consisting of the National Intelligence Council and the National Intelligence Secretariat), which will aid in assessing and preventing threats from terrorist groups and transnational criminal organizations. Belize conducts threat and risk assessments through its Joint Coordination Centre. Most States of thi



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State has developed a specific risk-based approach guide for non-financial sectors, which contains a chapter for NPOs that includes specific measures relating to sectoral registration and supervision practices. There is no indication that States have conducted outreach activities in relation to the vulnerabilities of NPOs to terrorism-financing abuse and risks.

**(c) Firearms**

410. All States of the subregion have introduced restrictive legislation and regulations on control of firearms. Most criminalize the manufacture and illicit trafficking of arms, ammunition, explosives, and other related materials. A common shortfall across most States is the failure to criminalize the illicit obliteration of markings. In Mexico, all firearms in the possession of government armed and security forces are marked, at the time of manufacture, with information on the manufacturer, calibre, model, serial number, and State of manufacture. Mexico criminalizes the illicit manufacturing, trafficking or alteration and the illicit obliteration of their markings. In Costa Rica, the relevant authorities carry out recognized arms tracing and tracking procedures, employing ballistic fingerprinting technology to trace guns and ammunition. However, the availability and proliferation of illegal firearms of this subregion and the increasing links between organized criminal groups, violent gangs and terrorism remain a concern.

**3. Opportunity and border security**

**(a) Passenger screening**

411. Only one State appears to have fully connected its frontline immigration screening processes to INTERPOL I-24/7 databases and tools and can also screen in real-time against the Security Council ISIL (Da'esh) and Al-Qaida Sanctions List. In three other States, it appears that frontline staff at the main international airport and police



submit information for an official Entry Immigration Form (“tourist card”)<sup>85</sup> in advance of arrival. However, two States (as members of the Commonwealth)<sup>86</sup> and three (as members of CARICOM)<sup>87</sup> allow visa-free entry for citizens of States<sup>88</sup> participating in those community agreements. Additionally, most Central American States have established visa-waiver programmes with various States outside the subregion. Four States are parties to the Central America-4 Free Mobility Agreement<sup>89</sup> (CA-4), wherein citizens of signatory States have free cross-border passage, and foreign nationals having entered one State are permitted to cross the land borders of other participating States without obtaining permits or undergoing checks at border points. Porous land and maritime borders between most States of the subregion further undermine the effectiveness of traveller screening.

413. There are some differences with respect to States’ capacity to detect fraudulent documents at the border. The border authorities of two States are known to have received training in the detection of fraudulent passports, and two States have installed equipment for detecting forged travel documents. Only Panama participates in the ICAO PKD.

414. The States of this subregion have also strengthened their national border-control systems and five States can record and store the entry and exit of persons crossing their borders in automated systems, whether through their own national system (two States) or through that of a regional body (three States). However, poor technical infrastructure has constrained the ability to reconcile entry and departure records in three States.

415. All States have measures in place to cooperate with other States to strengthen the security of their international borders. For example, Panama signed information-sharing agreements with





interception of communications; video surveillance; phone-tapping; use of informants; and covert surveillance. In 2017, the United Nations Human Rights Committee expressed concern at reports of one State's frequent use of its Special Act on Interception of Private Communications, which entails extensive monitoring of private communications.

421. Generally, oversight of law enforcement structures and security services is weak in the Central America subregion. Although six States have established some form of oversight mechanism for law enforcement agencies with a view to ensuring professionalism and respect for human rights in their counter-criminal work, two States have no oversight mechanisms in place. Seven States have received observations from the United Nations Human Rights Committee regarding measures deemed incompatible with international norms and standards.

(c) **Rule of law**

422. Few States have defined "terrorism" and "terrorist acts" with sufficient clarity and precision so as not to apply to acts beyond those





(a) **Effective mutual legal assistance and extradition**

425. All Central American States are members of OAS/CICTE and parties to the Inter-American Convention Against Terrorism. They have also all ratified the Inter-American Convention on Mutual Assistance in Criminal Matters. Seven States are members of the Ibero-American Network for International Legal Cooperation<sup>90</sup> (IberRed). At the regional level, the Hemispheric Network for Legal Cooperation on Criminal Matters<sup>91</sup> contains a virtual library that offers legal information relating to MLA and extradition in the 34 active OAS member States. Two States have developed



It will facilitate contact between established national focal points to expedite the exchange of information about potential terrorist threats with the goal of preventing incidents or attacks.

### **Priority recommendations**

Develop comprehensive and integrated national counter-terrorism strategies and effective mechanisms to implement them as recommended in Security Council resolutions 1963 (2010), 2129 (2013) and 2395 (2015).

Review relevant legislation to ensure that it criminalizes acts of planning and of preparation as an autonomous offence.

Introduce comprehensive terrorist asset-freezing regime that includes a designation mechanism with adequate due process





431. Although Member States of the subregion have strengthened their counter-terrorism capacities, there remain a number of challenges, including the lack of national counter-terrorism strategies and judicial and prosecutorial capacities; the limited use of SITs and witness-protection



initiatives such as the Advance Passenger Information System (APIS), the CARICOM Integrated





(a) **Comprehensive and integrated counter-terrorism strategies**

441. Most Member States of the subregion have not yet adopted comprehensive and integrated national counter-terrorism strategies as recommended in Security Council resolutions 1963 (2010), 2129 (2013) and 2395 (2015). In 2018, Trinidad and Tobago approved a comprehensive counter-terrorism strategy that focuses, inter alia, on deterring people from participating in or supporting terrorism, enhancing national counter-terrorism operational capabilities, and building national resilience following an attack. In the same year, Jamaica established a steering committee in its National Counter-Terrorism Forum to draft its National Counter-Terrorism Strategy, which reflects the provisions of the relevant Security Council resolutions and international counter-terrorism instruments. However, most States of the subregion continue to rely on national security strategies to address various types of crime rather than standalone counter-terrorism strategies that integrate law enforcement measures and address socio-economic, human rights, gender and rule of law components.

(b) **Risk assessment**

442. Several States of this subregion appear to conduct terrorism threat and risk assessments. Not all States of this subregion have developed sufficient expertise on data-gathering, analyseica een







passenger traffic crossing their borders. Frontline officers rely on information either from the INTERPOL NCB or the JRCC.

449. All States of the subregion have introduced API and several have adopted or amended legislation to include PNR data. However, most States continue to lack operational capability, including the ability to collect, process and analyse PNR data in accordance with the relevant ICAO standards and recommended practices as required by Security Council resolutions 2396 (2017) and 2482 (2019). States have also strengthened the capacity of their national border-control systems to detect potential terrorists. Several States have introduced biometric passports containing embedded electronic chips and automated passport readers to detect forged or fraudulent travel documents. Other States have embedded security features such as watermarks in their national passports. Since the previous survey, immigration officers of several States have received training in fraudulent document detection.

450. Only a few States appear to record and store in an automatic system the entry and exit of persons crossing their borders. Jamaica has upgraded its immigration passenger entry-and-exit electronic record system to handle e-Passports and the increasing number of stored records and images. In other States, dated airport infrastructure has constrained the ability to reconcile entry and departure records.

451. All States of the subregion are members of INTERPOL and are able to share information with INTERPOL and other INTERPOL members through their NCBs. They also receive and share operational information with their counterparts in other CARICOM States and with the Regional Security System of the eastern Caribbean region. Information is regularly exchanged with Implementation Agency for Crime and Security and its sub-agencies (i.e., the JRCC and the RIFC). The JRCC is connected to the INTERPOL I-24/7 SLTD database and receives all Notices, as well as inputs from the Security Council ISIL (Da'esh) and Al-Qaida Sanctions List. All CARICOM States receive alerts from the JRCC. CARICOM has expanded the CARICOM Integrated Border Security System (CARIBSEC) to further facilitate sharing and analysis of critical intelligence information on, inter alia, stolen and lost passports, criminal offences and terrorist affiliations. It is unclear whether persons entering all States of this subregion are subject to screening based on local, CARICOM, and United Nations and INTERPOL watch lists.

452. Since the previous survey, Jamaica has introduced a Directive aimed at ensuring the effective management of its counter-terrorism watch list, as a guide for the relevant agencies, in particular immigration, border security and intelligence personnel with responsibility for counter-terrorism. A few States appear to share national watch lists of known and suspected terrorists, including FTFs, with relevant law enforcement and border officials to screen travellers and conduct risk assessments and investigations, in compliance with domestic and international law, including human rights law and data-protection safeguards.



453. The challenge of establishing whether asylum seekers have been engaged in terrorist activities remains particularly complex in this subregion. Several States are parties to the 1951 Refugee Convention and its 1967 Protocol. However, few States have adopted legislation or administrative regulations on asylum or refugee status or established national asylum procedures. Only two States appear to conduct background checks on asylum seekers and



457. Proactive law enforcement strategies and complex investigations often involve the use of SITs. Since the previous survey, several States have adopted legislation requiring the use of techniques such as electronic surveillance, undercover operations and controlled delivery. In most cases, SITs can be used as investigative tools subject to prior judicial authorization and supervision, but not for evidence-gathering purposes. Several States have updated their legislation to regulate the lawful interception of communications if clearly defined conditions are fulfilled. In



have expressed concern that some detainees are held in excess of 48 hours without charge. In other States, a backlog in criminal court cases has resulted in periods of prolonged pre-trial detention. Several States of the region should continue to strengthen respect for the right to a fair trial and due process, specifically in relation to protection against unlawful and arbitrary deprivation of liberty, prohibition of torture and other cruel and inhumane treatment and punishment, and the right to a hearing without undue delay, including in the case of expulsion proceedings concerning foreign nationals.

461. The counter-terrorism laws of several States of this subregion allow for special criminal procedures, including the use of detention orders, to investigate and prosecute terrorism-related offences and the use of expanded powers of arrest or to search premises without a warrant. These special procedures are accompanied by appropriate safeguards, including judicial review of detention orders and maximum periods of detention. In most States, law enforcement must obtain judicial authorization to conduct electronic surveillance of private communications for criminal investigations, including in terrorism cases. In other States, the Minister for National Security may declare a certain area to be a “special area”, thereby conferring special powers on the police and



**(b) Ensuring effective exchange of information and intelligence**

464. Intelligence-sharing among law enforcement agencies of this subregion (and particularly between CARICOM States) is essential to effectively planning joint investigations and strengthening law enforcement cooperation in the Caribbean. Several States of this subregion have put in place legal frameworks and operational mechanisms, including informal arrangements, to carry out bilateral or multilateral cooperation in criminal matters relating to terrorism. One State arrested one of its nationals on an extradition warrant from another State on terrorism-related



Establish legislation and necessary ICT capacity to collect, record, retain, search for, and use the entry/exit details of travellers crossing their borders, including processes for the handling of personal information (biographic and biometric) that comply with the right to privacy and data protection requirements.

Develop an independent rev





470. *Criminalizing certain offences and sentencing criteria:* comprehensive legal frameworks align with international instruments such as the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (“Firearms Protocol”) and the United Nations Convention against Transnational Organized Crime are an important precondition for preventing and countering the diversion of, and illicit trafficking in, firearms and their illegal acquisition by criminal or terrorist groups. All States of the region have adopted legislative measures to prohibit the illicit trafficking and manufacturing of SALW, but only a few regulate brokering (including by requiring that brokers themselves be registered). Most States criminalize the illicit falsification, obliteration, removal or alteration of the unique markings prescribed in the International Tracing Instrument (ITI). Since the previous survey, several States have adopted or strengthened national legislation to make the illicit possession, use and transfer of firearms and ammunition a serious criminal offence, including by increasing fines and penalties. Few States, however, have adopted and enforced comprehensive legal and regulatory regimes, including integrated recordkeeping systems, that address the entire life cycle of firearms, their parts and components and ammunition.

471. The harmonization of legal frameworks among States and between national and regional laws and normative standards would help facilitate international cooperation in this area and prevent the risk that terrorists will exploit legal gaps. Within the Caribbean subregion, CARICOM adopted a Model Law on this subject in 2017. Since the previous survey, States of the region have continued to take steps to transpose the provisions of the Firearms Protocol into domestic legislation to support standardization in national legislation.

472. *Strengthening capacity for investigation, prosecution, detection and seizure of firearms:* The detection, investigation and prosecution of perpetrators of firearms-related crime is essential to effectively countering trafficking activities, particularly those involving transnational organized crime and terrorist groups. Several States of the region (including Brazil, Colombia, Jamaica, and Trinidad and Tobago)





capacity of law enforcement and border-control officials who perform control and inspection functions at entry, exit and transit points in detecting illicit trafficking of SALW.

474. *Use of ballistic and forensic analysis:* To enhance the ability to investigate and prosecute arms-related crimes, some States have created forensic science laboratories to connect evidence from crime scenes to national, regional and international analysis mechanisms. At the subregional level, five CARICOM States utilize the Regional Integrated Ballistic Information System (RIBIN) to support criminal investigations. Thus far, four States of the subregion (Barbados, Belize, Jamaica and Trinidad and Tobago) have joined the INTERPOL Ballistic Information Network (IBIN), which enables States to conduct regional searches to detect firearms used in cross-border crimes and utilize information in the conviction of perpetrators.

475. *Marking, record-keeping and tracing:* Most States of the region mark weapons at the time of manufacture and import. However, only a few States have established and maintained firearms registries, including comprehensive records of seized, found and surrendered firearms, to effectively prevent and combat illicit firearms trafficking. Several States have established firearms tracing centres and national procedures to submit tracing requests, but most States continue to face challenges in their tracing efforts.

476. *Gender-responsive controls on SALW:* Illicit trafficking in SALW continues to facilitate a broad spectrum of activities that constitute violations of human rights in the subregion, including killing and maiming of children, rape, and other forms of sexual and gender-based violence.<sup>98</sup> At the time of the previous global survey, gender considerations had not yet been sufficiently integrated into policies regulating SALW. Since the previous survey, the United Nations Office for Disarmament Affairs (UNODA) and UNLIREC have published guidance materials on gender-responsive small arms control; provided capacity-building assistance to criminal justice officials of the region in integrating gender-sensitive perspectives



Identification System (IBIS) laboratories. The Working Group on Firearms of the Southern Cone Common Market (MERCOSUR) has established a network of specialists for the exchange of information, including experiences and practices in the marking of weapons of fire and ammunition.

## **South America**

**(Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of))**

### **A. Terrorism trends**

#### **1. Risks**

478. Since the previous global survey, the South America subregion ~~has continued to make good~~ progress in preventing and countering terrorism, but significant challenges remain. Despite the general perception that the terrorist threat to the ~~region~~ **region** is low,





Bureau for National Security of the Cabinet of the President, tasked with coordinating security matters with foreign authorities and domestic stakeholders. Two States have introduced national security strategies that include counter-terrorism as an objective and stress regional and international cooperation. Most States have developed an AML/CFT strategy.

(b) **Risk assessment**

484. Most States conduct some form of regular threat analysis and risk assessment, and their intelligence services are alert to the threat of terrorist attacks. Three States have established specific inter-



criminal and MLA procedures. In practice, the effectiveness of freezing mechanisms in most States of the subregion has not been tested. One State regularly tests its system but has not frozen funds; one State has frozen funds pursuant to its AML/CFT legislation; and one State has ordered an administrative freezing against persons accused of "State terrorism-related issues". However, there are no recent examples of funds having been frozen pursuant to resolution 1373 (2001). The FIUs of most States are operationally independent, with their own legal status, administrative autonomy and funds. Although all FIUs perform the core functions of an FIU, they are not all fully functional with respect to receiving STRs, performing analysis, and disseminating financial analysis to the competent authorities. Two FIUs lack the necessary IT equipment and software, and several are understaffed. However, there is a significant degree of cooperation and information exchange between the FIUs and the competent authorities, and many FIUs cooperate with counterparts outside the region. Two FIUs have provided



finances and penalties. In September 2020, Bolivia deposited the instrument of accession to the 2001 Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and

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493. Six States have established an electronic system to record and store the entry/exit of persons. Most States are working to improve their capacities to detect the fraudulent use of identity and travel documents,

494. Transnational law enforcement cooperation remains at the developmental stage, but States of the subregion do cooperate regionally through MERCOSUR and CICTE and engage in bilateral cooperation, particularly with bordering States and with other partners. Chile cooperate closely with its neighbours, and specific agreements have been between Peru and Bolivia, as well as between Argentina, Paraguay and Brazil for the TBA. Other subregional cooperation mechanisms have also been established, and many States cooperate with States of Central America, the Caribbean and



developed considerable expertise in investigating and prosecuting acts of terrorism and insurgency,







eliminate any risk of impunity, the principle of *aut dedere aut iudicare* has been incorporated into several multilateral conventions, to which most States are parties. States continue to face challenges, however, in gaining access to evidence located abroad and utilizing it within their own judicial systems.

(b)



Amend legislation to include explicit prohibitions in their codes of criminal procedure on the use of statements as evidence if there is a risk that they may have been obtained by torture, including those provided by another jurisdiction.

Strengthen respect for the right to a fair trial and due process, specifically in relation to the right to a hearing without undue delay, including in the case of expulsion proceedings concerning foreign nationals.

## **Europe and North America**

### **Eastern Europe**

**(Belarus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Republic of Moldova, the Russian Federation, Slovakia, Ukraine)**

#### **A. Terrorism trends**

##### **1. Risks**

508. Since the previous survey, the overall level of terrorist attacks in Eastern Europe has been relatively stable. Most States of this subregion have a comparatively low level of risk, although some smaller attacks or plots have occurred, such as the 2016 bombing of a bus by a student in Wrocław. The threat level in the Russian Federation has decreased in recent years, however. ISIL had called for attacks during the 2018 FIFA World Cup, but no successful attack



510. The States of this subregion on both sides of the eastern border of the Schengen area have a comparatively higher risk of being used as transit States for illicit movements of people, weapons and cash between the European Union and other States or conflict zones. These risks are mitigated by European Union efforts to build common border management standards accompanied by operational support from Frontex. With regards to non-EU Member States, in December 2020 Heads of the CIS Member States adopted the Programme of Cooperation of the CIS Member States in Strengthening Border Security at External Borders for 2021-2025. The objectives of the Programme are inter alia to consolidate the efforts of border agencies of the states of the CIS, as well



513. All but one of the States of this subregion conduct terrorist threat risk assessments. In some of the smaller European Union States, in view of the overall level of threat, those assessments are not as frequent or focused as those conducted by other European States with higher threat profiles. Among the European Union States, two conduct terrorist threat assessments annually as a component of larger national security threat assessments, and one has conducted a one-off threat assessment at the political level, adopted by the national parliament. Outside the European Union three States have established designated coordinating bodies to analyse the current threat levels. In the Russian Federation, a designated body has been established during preparations for holding an international sports event to facilitate cooperation between domestic and international security agencies and provide security briefings. The Committee identified this as a good practice.

## **2. Addressing enablers of terrorism**

### **(a) Recruitment**

514. Only three of the seven European Union States of this subregion have enacted a specific offence covering recruitment into a terrorist group. The four that have not done so consider that their offences covering participation in a terrorist group, or conspiracy or preparation with others to commit a terrorist act (including aiding and abetting offences) should also cover recruitment. Those offences, however, tend to be tied to the commission of a terrorist act (whereas the offence of recruitment should not be). Recruitment into, and participation in, a terrorist group should be criminal acts in themselves.

515. Three of the four non-European Union States of this subregion have in place legislative provisions to suppress the recruitment of terrorists. In each case these are offences specific to terrorism, distinct from general provisions of the Criminal Code. In the one State that does not have such legislation, recruitment to terrorism could be covered in part by general criminal law provisions on complicity.

### **(b) Financing of terrorism**

516. All States of this subregion have included standalone offences covering the financing of terrorism in their national criminal legislation. The offences of all these States cover the financing of both an individual terrorist and a terrorist organization. This level of implementation represents significant progress compared to 2016, when the previous survey noted that “more than half” of the States of this subregion had implemented terrorism-financing offences, but even among those that had, “few States are largely in compliance with the requirements of paragraph 1(b) of resolution 1373 (2001)”. Although FSRBs continue to make some recommendations for technical improvements to the drafting of these offences, all States are now at least “largely compliant”.

517. The freezing of terrorist assets in the European Union States of this subregion is handled by a mixture of both national and Union law. Pursuant to this regime, decisions to freeze assets by



the European Union Council pursuant to resolution 1373 (2001) are implemented without delay because they are immediately applicable in all European Union member States pursuant to European Council Regulation 2580/2001. This regime does not completely substitute for an autonomous domestic authority to freeze terrorist assets, however, because it has not been used to cover persons or entities inside the European Union or where a request for designation is put forward by another State. European Union member States need to have, therefore, their own domestic powers to freeze assets in addition to the European Union regime. The previous global survey noted that in some cases States lacked the complementary domestic legislation required for this and, more broadly, that very few States of this subregion were compliant in law and practice.

518. Legislative implementation in this respect has improved since the previous survey was conducted, but should be further strengthened. Four of seven of the European Union States of this subregion can freeze assets without delay. One State must complete internal procedures first, but considers that an interim power to block any transactions for 96 hours would bridge this requirement (this has not been tested). Only one State lacks a domestic asset-freezing power, remaining reliant on the European Union regime. Despite the overall improvement in legislative implementation, however, these powers are not yet being used, and European Union States of this subregion continue to rely fully on



common system for the sharing of information on declarations, including a common European Union database. It gives European Union States a discretionary (but not mandatory) ability to restrain cash and BNI that might be linked to crime. Many of the European Union States of this subregion have amended their legislative powers to implement the Regulation. Five of the seven European Union States have granted border authorities the legal authority to stop or restrain currency and BNI suspected to be related to money-laundering or terrorism financing. The length of time for which cash or BNI may be restrained ranges from 48 hours in one State to 30 days in another. In all cases, however, the power is a temporary restraint, and any seizure can be carried out only by the police or FIU, following an investigation. Concerns have been raised with respect to at least three States about whether border officials have adequate training and expertise to detect whether funds may be linked to terrorism financing and about their knowledge of risk indicators.

522. The previous global survey observed that only some States of this subregion had undertaken an assessment of the risk of their NPO sectors to terrorism-financing abuse. There has been an improvement in implementation in this regard, but there is still room for further improvement. All the European Union States of this subregion have undertaken some form of assessment of the non-profit sector concerning risk for terrorism-financing abuse. Three have done so, however, as a component of their overall NRA, rather than as a standalone assessment. This can imply lack of rigour. Only half of the non-European Union States of this subregion have assessed the terrorism-financing risk to their non-profit sectors. In addition to identifying vulnerabilities of the NPO sector and proposing mitigation measures, both those States had also assessed the applicable regulatory framework. One State had conducted some assessment of certain categories of NPOs, but without identifying the subset which fell within the FATF definition or identifying the nature of potential terrorist threats posed to the NPOs in question.

(c) **Firearms**

523. In European Union States of this subregion, firearms regulations are developed and implemented at the regional level. Acquisition and possession of weapons and related matters, including marking of weapons, are regulated by Directive 91/477/EEC and Directive 2008/51/EC. In addition, Regulation (EU) No 258/2012 establishes export authorization, import and transit measures for firearms, their parts and components and ammunition, and requires European Union States to impose sanctions or onations .Stn



required. This weakness in implementation was also noted in the previous global survey, indicating a lack of progress on this issue.

525. Three of the four non-European Union States of this subregion criminalize the illicit manufacturing, trafficking, and alteration of firearms or the illicit obliteration of their markings. The remaining State did not appear to criminalize the illicit obliteration of markings.

### 3. Opportunity and border security

526. The previous global survey noted that only some States of this subregion had connected their immigration screening process at the frontline to the INTERPOL I-24/7 system, its SLTD database and Red Notices of suspected criminals and wanted persons, as well as the Security Council ISIL (Da'esh) and Al-Qaida Sanctions List. Good progress has been made in this area, implemented through the European Union mechanisms. Most European Union States of this subregion use the Schengen Information System, which has been gradually strengthened and upgraded since 2016, and now provides INTERPOL data to its users. In two other States, border officials have some access to INTERPOL tools, but further information is required on the nature of the connectivity at all BCPs. In this respect, Poland models good practice, with a range of INTERPOL and Schengen tools integrated into its own frontline screening software. This enables automatic border checks against national, Schengen, and INTERPOL databases with a single search for all persons passing through BCPs.

527. With respect to API/PNR systems, the previous global survey noted that only a very few States used an API and/or PNR system to effectively screen travellers and detected terrorist suspects at ports of entry by air into the State. It also noted that only a few States appeared to record and store in an automated system the entry and exit of persons crossing air, land and sea borders. Progress in this area has been much more significant.

528. In the European Union States of this subregion, border security is governed by a range of European Union laws and regulations, including Directive 2004/82/EC, which requires States to introduce a national legal framework allowing PNR records for flights to and from the European Union to be processed by a national Passenger Information Unit (PIU), and Directive 2016/681, which requires that PNR data be made available to law enforcement agencies for the prevention, detection, investigation and prosecution of terrorist offences and serious crimes. In addition, European Regulation EC 2017/2226 establishes an entry/exit system to register entry/exit data for persons crossing the external Schengen<sup>104</sup> borders, which is expected to begin operation in 2022, and also requires that members of the Schengen area create their own entry/exit systems. Schengen area States (plus Ireland) are aided by the Schengen Information System (SIS), which is a database

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<sup>104</sup> The Schengen area includes most, but not all, Member States of the European Union, plus Iceland, Norway and Switzerland. (The European Union member States not participating are Bulgaria, Croatia, Cyprus, Ireland and Romania.) Participating States have removed BCPs between themselves and other Schengen area States.





that enables border guards, as well as visa issuing and migration authorities, to enter and consult alerts on third-country nationals for the purpose of refusing their entry into or stay in the Schengen area. New functionalities are currently being added. In 2021 it will contain additional information on persons and objects involved in terrorism-related activities, improving the capacity of border authorities to detect terrorists at ports of entry to Schengen area States.

529. Consistent with these directives and regulations, all Schengen area States of this subregion have PNR systems in place. Most have not provided sufficient information for the Committee to properly understand their capacities to detect terrorists at BCPs or to detect fraudulent travel documents. The Committee did, however, develop a good understanding of Poland's capacities and concluded that its development of a comprehensive border control information system that centralizes a range of domestic and international identity checks into a centralized and user-friendly "single-window" format was a good practice. The system is backed by on-site expertise in document fraud. Only three of the Schengen area States of this subregion collect all entry/exit data. The others do so only through retention of API/PNR data, which does not cover land or maritime borders. These States, however, will need to begin recording entry/exit data by 2022 to comply with European Union legislation.

530. Three of the four non-Schengen States of this subregion also collect API, but do not yet have PNR systems in place. More information is needed regarding analytical capabilities to detect potential terrorists. With respect to the fraudulent use of identity and travel documents, two States are working to improve their capacities, including by equipping border officials with devices to verify the authenticity of travel documents or by providing access to some law enforcement authorities to INTERPOL materials on forged documents and forgery methods. The extent to which immigration authorities at border points can access these tools, however, is unclear. The Committee does not have information as to whether the non-European Union States of this subregion record and store the entry and exit of persons crossing their borders (e.g., by way of an automated system).

531. Inter-State cooperation on border-security issues in this subregion is high. European Union States have created the European Border and Coast Guard Agency (Frontex), which has become, since 2020, an operational agency. European Union States effectively share management of their borders with a multinational border force, which is governed jointly by participating States. Frontex itself has a long list of partnerships with national agencies and international bodies. There is also high levels of regional cooperation between members of the Commonwealth of Independent States (including through agreements on customs matters). Moreover, States have also established subregional groups that include States from both regional organizations (e.g., the Baltic Sea Region Border Cooperation Group, which provides for an information-exchange arrangement and joint operations between the border agencies of all States bordering the Baltic Sea). There are also a number of bilateral arrangements, including the Local Border Traffic Agreement between Poland and Ukraine, developed to facilitate local movements for inhabitants from both States. With





committing terrorist acts against other States or their citizens outside the State's territory. In



of these measures was not always stipulated in the legislation. The Committee also noted that, with respect to seven States updated information was required on how the legal framework on SITs had been developed to reflect the increasing importance of digital evidence, the role of CSPs, and the legal safeguards in place to ensure compliance with human rights law. The Committee recognized as good practice the fact that Poland's Code of Criminal Procedure allowed for digital material to be used in the courtroom as evidence. It also noted that searches could be made of ISPs and entities running telecommunications businesses, and orders could be made by a prosecutor or court to for such entities to preserve evidence. The Committee also expressed concern, however, that in one State, the counter-



of Terrorism). The Committee noted, however, that one of those States had nonetheless been criticised by the United Nations Special Rapporteur on human rights and counter-terrorism for misusing the terrorism offence to prosecute a border-violation case.

543. In the other seven States, the Committee found that the definition of terrorist acts was not sufficiently clear and precise, and risked applying to acts beyond those envisaged in the international counter-terrorism instruments. A common shortfall in this regard included the use of overly broad or open-ended terms within the definition, such as acts that “harm the interests of the State”. A related flaw was the criminalization of non-violent conduct that falls outside the relevant international instruments. In its dialogue with the States concerned, one State noted that its broad definition was useful because it allowed the offence to respond to evolving terrorist methodologies. Although the Committee has noted the need to take into account evolving terrorist methods, it has nonetheless noted that the international instruments envisage the prohibition of acts or threats of violence and of terrorist offences that criminalize non-violent conduct go beyond the requirements of resolution 1373 (2001).

544. The previous global survey noted that, despite concerns raised by international human rights mechanisms, some States of this subregion do not fully uphold human rights in terrorism trials, including the right to be brought promptly before a judge following arrest, access to a lawyer,



548. Four of the 11 States of this subregion have adopted special laws that confer specific powers on certain authorities to counter terrorism (providing, inter alia, for expanded powers to employ SITs), and none of those laws appear to include sunset clauses. Examples of this are the laws of two States that allow their law enforcement agencies to designate a zone of counter-terrorist operations, within which authorities have increased search powers and may restrict freedom of movement and public gatherings.

549. Of the remaining States, Hungary provides for its National Assembly to declare a “state of terrorist threat” allowing the Government to introduce extraordinary measures by decree and to suspend or derogate from the application of specific Acts. The declaration must be adopted by a two-thirds vote and must be for a defined period, but it can be extended by another two-thirds vote. (No such declaration has yet been made.) The same State’s Police Act allows the police to deploy priority security measures in the event of a terrorist act. These powers apply for 72 hours and may be extended for a further 72 hours if necessary. In Poland emergency police or military powers and the ability for the Government to undertake measures such as banning public gathering are activated by the national terrorist alert system. Although there are no automatic expiry dates provided for in the legislation setting out those special powers, the legislation does state that the alert levels shall be cancelled immediately once the threat or effects of the event that triggered the alert have been minimized. The



fact that, although the relevant domestic laws permitted referral of cases to the competent authorities for purpose of prosecution in certain circumstances, they did not make this mandatory; domestic law did not stipulate that such referral must take place “without undue delay”; or the mandatory referral to the prosecutor applied only with respect to citizens. In two of the States in which the Committee did not find a clear obligation to submit a case to prosecution where extradition had been refused, the States concerned pointed to a general obligation on prosecutorial authorities to open proceedings in all cases where they are aware of a crime and there is jurisdiction. The Committee notes, however, that for the avoidance of doubt, explicit provisions should be included in extradition codes or codes of criminal procedure.

**(b) Ensuring effective exchange of information and intelligence**

552. With respect to bilateral cooperation in terrorism investigations, it should be noted that seven of the 11 States had legislative provisions in place to facilitate such cooperation and that the relevant authorities of five States had practical experience in conducting joint operations with other States of this subregion.

**Priority recommendations**

Amend terrorism offences to remove elements that are overly broad or vague, and ensure that offences only capture intentional violent acts, where there is clear terrorist intent, and do not capture non-violent acts of protest or dissent.

Ensure customs officials have the ability to restrain currency or BNI to ensure that restraint powers exist where there is a suspicion of money-laundering or terrorism financing, not just where there was a false declaration or failure to declare, and that the power applies irrespective of the amount.

Engage in dialogue with UNHCR concerning its observations on laws on refugees and asylum, and ensure that measures taken to implement counter-terrorism resolutions are consistent with international human rights, refugee and humanitarian law.

Ensure that there are effective, independent and impartial mechanisms that can address individual complaints of misconduct on the part of law enforcement or prosecutorial officers, and that these mechanisms are operationally independent of the bodies that are the subject of the complaints.

Publish information and guidance for foreign jurisdictions on the legal requirements and procedures for making extradition and MLA requests, in multiple languages, and with sample documents, on the websites of their ministries of justice.



Strengthen cooperation with INTERPOL, specifically through more frequent sharing of the identity and biometric information of FTFs.

Revise special investigative powers to ensure that they are not applied in a discriminatory manner and ensure that safeguards are in place to guard against racial, ethnic or other discriminatory profiling.

Include explicit prohibitions on the use of statements as evidence if there is a risk that may have been obtained by torture, including those provided by another jurisdiction; introduce into legislation prohibition on extradition if there are substantial grounds for believing that the accused would be in danger of being subject to torture.

## **Western European, North American and other States**

**(Andorra, Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America)**

### **A. Terrorism trends**

#### **1. Risks**

553. States of Western Europe have continued to suffer from a steady rate of terrorist attacks over the past five years. Australia, Canada, New Zealand and the United States have also experienced terrorist activity since the previous global survey. The risk profile is not evenly spread, however, and some States (e.g., Australia, France, Germany and the United Kingdom) have experienced a disproportionately high level of incidents. Nevertheless, smaller-scale or less-frequent attacks continued to occur throughout Western and Central Europe, including in Austria, Belgium, Finland, the Netherlands, Norway and Sweden. Additionally, many States of this subregion are acutely aware of the potential threat posed to their citizens abroad, as many have become victims of terrorism overseas.

554. Although the region's smaller States have a comparatively low risk profile, all States of this subregion to some extent face increasing challenges posed by groups and individuals motivated by **xenophobia, racism and other forms of intolerance**, which are becoming increasingly organized and transnational. Such actors have also sought to exploit COVID-19-related anxieties and grievances.<sup>105</sup> Recent trends indicate the increasing prevalence of "lone





actor” attacks. There is also a low residual risk of terrorist attacks resulting from historical sectarian divisions, but these conflicts, although not fully resolved, are being addressed through political means.

555. At the time of the previous global survey, Western Europe was a significant source of FTFs, and almost 200 have travelled from Canada and over 100 from Australia. Many Governments in this grouping of States have expressed fears about large numbers of fighters returning to their home States following the territorial defeat of ISIL, bringing with them a risk of recruiting sympathizers to carry out domestic attacks. Only relatively small numbers have so far done so. In addition to the risks of returning fighters, there are a growing number of persons convicted of terrorist offences in the past who have concluded, or will soon conclude, their sentences. Some authorities in the subregion are concerned about the extent to which they still hold to their convictions.

556. Many States of this subregion are major financial or trading centres. Financial services and cross-border business to all parts of the globe make up a significant proportion of their economies. All States of this subregion, even those that face a low threat of suffering an attack, face risks that their financial or trading systems and relatively open economies could be exploited by terrorists to move money or weapons. Some of the smaller States of Europe have comparatively small Governments compared to the disproportionate size of their financial sectors, and their capacity to independently identify and freeze assets that may be linked to terrorist activity, outside sanctions imposed by the European Union or United Nations, has not been consistently demonstrated. This risk is partly mitigated by effective coordination and oversight of financial regulations and border management at the European Union level, resulting in harmonized rules and practice across the region (including in some cases non-



oversee implementation of these strategies, while civil society was actively engaged in the revision of the strategy in only two cases.

558. For those States that do not have a formal counter-terrorism strategy in place, one is



562. Outside the



those listed by international organizations. Most of those States have not frozen assets of any significant value.

568. With respect to the level of functionality of the FIUs of this subregion, the Committee has identified a general improvement in the levels of resources and capabilities over the survey period. Positive indicators include the increase in the level of human resources in recent years; the updating of software and data-mining tools; the provision of analytical reports to other State agencies; FIUs' increased access to multiple domestic databases; the high usage of FIU reports by law enforcement agencies; and the creation of dedicated terrorism-financing units. Some of the persistent identified shortfalls include the low level or variable quality of STRs received (which could be linked in part to inadequate guidance provided to reporting entities and could thus affect the ability of the FIU to target its resources); the lack of secure communications between the FIU and the competent authorities; and the lack of human resources or IT tools (which undermine the efforts of FIUs to produce strategic analysis). All States are members of the MONEYVAL, 19 of which are also members of the FATF.

569. With respect to the cross-border movement of currency, European Regulation 2018/1672 will enter into force in June 2021 for the European Union States of this subregion (for more information on this Regulation, see Eastern Europe section, above). In 13 out of 16 of the European Union States, the border authorities have the legal authority to stop or restrain currency and BNI suspected to be related to money-laundering or terrorism financing. Those powers arise from AML/CFT legislation and/or from general powers to restrain cash suspected to have originated in or to be destined for criminal activities. Conversely, in two States, the border authorities themselves do not have the power to restrain the cash or BNI and must engage law enforcement authorities if they suspect a link to terrorism financing. This arrangement could undermine the effectiveness of those States' ability to impede the movement of terrorist cash across borders.

570. Seven of the eight other European States of this subregion have granted their border authorities the legal authority to stop or restrain currency and BNI suspected to be related to money-laundering or terrorism financing. Those powers arise from AML/CFT legislation and/or from general powers to restrain cash suspected to have originated from, or to be destined for, criminal activities.

571. The previous global survey noted that only around a quarter of States of this subgroup had conducted a specific review of the terrorism-financing risk to their NPO sectors. Although there has been some improvement in this area, this continues to represent a weakness for European States and reflects comparatively fragmented and weak oversight of NPOs in general. Eleven of the 24 States of this group have conducted a full assessment of the terrorism-financing risk to their NPO sector and four of those have done so only as part of the larger NRA of the financial sector as a whole, with varying degrees of thoroughness. One State is in the process of conducting its first assessment and one is in the process of conducting an updated assessment. Of those States





has highlighted this as a good practice. One State has an API system in place and a PNR system under development, one State has a PNR system in place, but not API, and three have neither in place. (For details on European Union legislation on API and PNR, see the Eastern Europe section, above.)

576. The Committee noted, however, that scope of the API/PNR collection carried out by European Union States varied. First, some collect this data only with respect to passengers travelling from outside the Schengen area. Second, a small number of European Union States have taken steps to collect API data also from passengers travelling by other means (including bus, rail and sea). These measures go beyond the strict requirements of the Council resolutions, but were considered by the Committee because they assist States to detect broken travel patterns.

577. Only two of the other European States of this group have established advanced systems for both API and PNR and a “single window” system for receiving and analysing such data. Two









required in terrorism cases. In three of those States, the legislation in question stipulates the need for proportionality assessments to guide the use of SITs. The Committee has identified this as a good practice. With respect to two States, however, United Nations human rights mechanisms have expressed concern that the surveillance powers provided are excessively broad, based on insufficiently defined objectives, and/or lack adequate oversight.

590. The previous global survey noted that almost one third of States of this subregion did not have in place independent oversight mechanisms for law enforcement agencies (apart from judicial oversight) and also noted the different forms that oversight takes in different jurisdictions. As of 2021, even though all the States of this group have in place some form of oversight of the counter-terrorism measures taken by lawby la



terrorism cases. Common shortfalls identified by the Committee and by United Nations human rights mechanisms include extended periods of detention before being brought before a judge and extended periods of pre-trial detention; delays or restrictions on access to counsel; failure to promptly inform detainees of their rights in a language they can understand, or of the nature of the offence for which they are being arrested; and the use of incommunicado pre-trial detention, with resulting limits on access to counsel and on correspondence.

593. Nine of the 24 States of this group have adopted special laws that confer specific powers on certain authorities to counter terrorism. These laws include, for example: administrative control measures, including restrictions on movement; expanded search powers for law enforcement agencies; extended powers of preventive arrest or pre-charge detention; expanded powers to gather electronic data; additional powers



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(a) **Comprehensive and integrated counter-terrorism strategies**

599. Of the six States of this group, Australia, Canada and New Zealand have adopted a comprehensive and integrated counter-



603. Five of the six States of this group can freeze funds without delay. In the State where this was not the case, the Committee noted that the multi-stage process for designating and implementing a freeze made delays inevitable. Four of the six States had frozen assets pursuant to resolution 1373 (2001). Information on the precise amounts involved was not available. In two States domestic designations had been made but no assets of the designated persons/entities had been identified.

604. All States have functioning FIUs. The positive indicators include recent efforts to enhance human resources; updated software and data-mining tools; integrated analytic tools; a dedicated FIU section for strategic analysis and for conducting investigation; regular dissemination of terrorism-financing typologies and indicators to reporting



only one of those States had established full connectivity. As of 2020, in four of the six States of this group, law enforcement agencies had direct or indirect access to all up-to-date INTERPOL data and databases, including at all ports of entry. In one State, the relevant immigration authorities

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States



615. All States of this group criminalize acts of planning, preparation and supporting of terrorist acts, although in two States some of these ancillary forms of liability are linked to the activities of terrorist organizations. In this regard, the Committee raised concerns regarding the process by which organizations are so designated. One State has legislation specifically criminalizing





619. In three of the six States of this group, it was found that the definition of terrorist acts was not sufficiently clear and precise and risked applying to acts beyond those envisaged in the international counter-terrorism instruments. The shortfalls identified include the use of overly broad or open-ended terms within the definition; the criminalization of threats to act without reference to the credibility of the threat; the criminalizing of certain non-violent conduct that falls outside the relevant international instruments; and a lower *mens rea* requirement.

620. In assessing due process protections, it was found that in five of the six States of this group the key principles of the rule of law are not fully respected in all terrorism cases. Shortfalls identified by the Committee and by United Nations human rights mechanisms, include extended periods before a charged person is brought before a judge; delays or restrictions on access to counsel in terrorism cases; extended periods of pre-trial detention; use of incommunicado detention; and concerns regarding the independence of the judiciary.

621. Two States of this group have adopted special laws that confer specific powers on certain authorities to counter terrorism and that do not appear to include sunset clauses. Three States have adopted special laws that are subject to sunset clauses (although in one case the sunset clause for a key provision has been extended several times). In the other State the applicable legislation appeared to provide for an indefinite number of extensions of the period of pre-charge detention in terrorism cases. In one of those States the Committee highlighted sweeping administrative measures taken against thousands of persons alleged to harbour terrorist



623. All States of this group have taken steps to make guidelines on domestic law and procedures relating to MLA and extradition publicly available. Two have done so via the website of the Council of Europe and three have posted information on Government websites. This was noted as a good practice by the Committee. In addition, five States undertook efforts to raise other States' awareness of their processes on a bilateral, ad hoc basis.

624. With regard the *aut dedere aut iudicare* principle provided for in the counter-terrorism conventions, domestic legislation in three of the six States does not include provisions to ensure that this rule would be fully complied with in practice (although in one case the Committee noted that the State did appear to have thus far complied with this principle in terrorism cases).

625. With respect to bilateral cooperation in terrorism investigations, all States of this group have legislative provisions in place to facilitate such cooperation. The relevant authorities of five of the six States have practical experience in conducting joint operations with other States on a bilateral basis and the other State regularly undertakes joint operations through a regional cooperation body.

### **Priority recommendations**

Review and revise legislation to ensure that terrorism offences are consistent with international law, such as ensuring that liability for attempts covers all terrorism offences; that terrorism-financing offences cover both a terrorist organization and an individual terrorist; and that the offence covers both the intentional provision of funds as well as the provision of funds with knowledge that they are to be used for terrorism.

Work closely with humanitarian organizations and financial sector to ensure that counter-terrorism measures are not implemented in a manner that unduly affects the delivery of exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law.

Share experiences in investigating and prosecuting terrorist crimes committed by groups motivated by racism, xenophobia and related intolerance, including any persistent challenges and good practices developed.

Ensure NPO registries are comprehensive and up to date, and review the sanctions available to supervisory authorities for NPOs that fail to comply with applicable regulations.

Ensure asylum legislation is applied in a manner consistent with the 1951 Refugee Convention, including with respect to specific bases for exclusion stipulated in Convention.









## **2. Addressing enablers of terrorism**

### **(a) Recruitment**

635. The previous global survey noted that good progress had been made in the criminalization of recruitment to terrorism and that most States had also adopted practical and preventative measures against terrorist recruitment (which is an area of particular vulnerability). The survey also noted, however, that all States needed to review and consider updating their legislation to ensure that recruitment of FTFs was criminalized. In 2020, the Committee found that seven of the nine States of this subregion had enacted an offence of recruitment to a terrorist group. Of the two that do not have a terrorism-specific offence in place, one has criminalized the offence of criminal association, which could encompass some cases of recruitment of terrorists. In the other State, the offence is partially enacted (it is a criminal offence to recruit a person for the purposes of committing a terrorist offence). The Committee recommends in such cases that States ensure that recruitment into a terrorist group is criminalized irrespective of the commission of a terrorist offence.

### **(b) Financing of terrorism**

636. As noted in the previous global survey, all States of this subregion are parties to the 1999 International Convention for the Suppression of the Financing of Terrorism and all have adopted AML/CFT laws. Levels of legislative implementation remain high. All States of this subregion have implemented standalone offences covering terrorism financing in their national criminal legislation. The offences of all States cover the financing of both an individual terrorist and a terrorist organization.

637. The previous global survey noted that the challenges of this subregion related more to implementation (including the development of regulatory systems to effectively implement aspects of resolution 1373 (2001) to fully comply with the requirement to freeze funds without delay). To a large extent, those challenges remain.

638. Only one European Union State of this subregion had the ability to freeze assets without delay. The same State was the only European Union State of this subregion to have issued asset-freezing orders under its own domestic powers, in addition to those ordered at the European Union level under European Council Regulation 2580/2001 (see also Eastern Europe section, above). In one non-compliant State, the regulatory provisions had not been updated since 2008 and required action only within five working days.

639. One of the non-European Union States of this subregion has amended its legislation to introduce a general obligation to freeze without delay. Another State has regulations in place for the implementation of resolution 1373 (2001), but has not yet frozen any terrorist assets. A third State had not frozen any terrorist assets at the time of the Committee's visit, despite having enacted



regulations in that regard. Two other States have taken steps to develop their legal frameworks on freezing, but further information is required as to whether they could, in practice, freeze assets without delay. Neither State had yet frozen any assets pursuant to 1373.







651. The previous survey noted that most States of this subregion faced considerable challenges in identifying suspected terrorists or FTF returnees and that only three States of this subregion used an API system (the lack of which undermines the efforts of frontline officers to detect entering or exiting wanted persons or FTFs). Progress on implementation in this area has been uneven.

652. As of 2020, all four European Union States of this subregion had implemented both API



656. Multilateral cooperation across the European Union and non-European Union States of this subregion should also be noted. States continue to cooperate on border management issues through SELEC, which includes the European Union States addressed in this section, plus Greece, and the non-European Union States, plus Turkey. The non-European Union States of this subregion have



for example, conspiracy and some ancillary offences relating to terrorist organizations is criminalized but those offences are not clearly defined. In another, the relevant offence uses terms that focus on leadership and coordination in the preparation of a terrorist act but without covering more general supporting roles. The other States of this subregion criminalize planning, preparing and supporting through general provisions of criminal law on accomplice liability rather than through additional terrorism-specific offences.

**(b) Capacity to investigate and prosecute**

660. The previous survey noted that all States of this subregion had established functioning investigative authorities and functioning prosecution services (also noting in this context that four States had successfully prosecuted FTFs and prevented their travel). All States had also benefited from assistance in developing their investigative and prosecutorial capacities. The survey also stated, however, that even States that had received assistance should continue to benefit from training initiatives with respect to handling complex terrorism investigations, financial crimes, and identifying links between organized crime and terrorism.

661. Since the previous survey, progress has continued in this area. The counter-terrorism capacity of the national prosecutor's office of one State has been strengthened through the establishment of a separate section focusing on terrorism-related cases, and the appointment of nine additional prosecutors to deal with terrorism cases. Another State has introduced amendments to its Code of Criminal Procedure for prosecutor-led investigations and has expanded the mandate of the Prosecutors' Office for Organized Crime in Terrorism-Related cases. The Committee has noted, however, that there remain certain shortfalls, including the continued need to establish central mechanisms to coordinate the work of judicial and prosecutorial counter-terrorism agencies; the need to upgrade IT systems; evidentiary issues in FTF-related cases, and language barriers. It should also be noted that many States of this subregion have not needed to investigate or prosecute terrorism cases and have therefore not yet demonstrated the capacity to tackle such

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legal remedies for persons subject to such measures. In several States it was noted that the permissible duration of some of these measures was not stipulated in the legislation.

664. All States have in place some form of oversight of the counter-terrorism measures of law enforcement agencies. In Bulgaria and Slovenia, for example, oversight of the intelligence agencies is performed by parliamentary committees consisting of all political parties. In Serbia, measures taken since 2016 include the development of a Code of Police Ethics, guidelines on procedures in cases where allegations of mistreatment are made, provision of training for law



667. In two States of this subregion, the offence of terrorism is defined in more than one piece of legislation. In this regard, it should be noted that the Committee has stated that the existence of multiple definitions and the lack of harmonization between relevant provisions could potentially undermine the effectiveness of the prosecutorial system in terrorism cases.

668. In all of the States of this subregion due process guarantees are reflected in a number of constitutional protections, including the right to a fair trial, independence of the judiciary, and equality of all before the law. No State of this subregion had introduced exceptions for terrorism cases into its criminal procedures. With respect to more than half the States of this subregion, United Nations human rights bodies have raised concerns about due process rights in general. In its dialogue with States, the Committee encourages each State to continue its dialogue with the relevant United Nations human rights bodies.

669. Only three States of this subregion have adopted special laws that confer specific powers on certain authorities to counter terrorism. None includes a sunset clause. In one of those States, the law provides for expanded powers of detention, search, and to use physical force, if a terrorist threat is imminent, or if the authorities have information that a specific person is preparing a terrorist attack. In the second State, the law allows for temporary limits on certain constitutional rights and freedoms of citizens for the purpose of criminal proceedings. In addition, the security agency can apply for an order imposing a range of preventive measures on persons for whom there is data that they are preparing an act of terrorism, including surveillance measu34(h0y2 re9 12 28(, i)28(n2513.(





Review codes of criminal procedure to include a mandatory obligation to transfer all terrorism cases to prosecutors where extradition has been denied, where the obligation to transfer such cases to the prosecutor is mandatory, but the prosecutor retains independent discretion as to whether to investigate or prosecute.

Introduce into counter-terrorism laws time limits on the duration of states of emergency that can be declared pursuant to the law, together with automatic expiry dates, and build into such laws the requirement that any measures taken during a state of emergency be proportional, only taken to the extent strictly required, and are consistent with international human rights obligations.

Include explicit prohibitions in codes of criminal procedure on the use of statements as evidence if there is a risk that they may have been obtained by torture, including for any evidence that may be supplied by another jurisdiction; introduce explicit prohibition on extradition if there are substantial grounds for believing that the accused would be in danger of being subject to torture.

## **IV. Thematic outlook**

### **A. National comprehensive and integrated counter-terrorism strategies**

673. The need to develop comprehensive and integrated national strategies with a view to ensuring an effective and holistic approach in countering terrorism is one of the key issues addressed by CTED within the framework of its dialogue with Member States on the Committee's behalf. In paragraph 6 of its resolution 1963 (2010) and paragraph 18 of its resolution 2129 (2013), the Security Council requests CTED to advise Member States, as appropriate, on the development of comprehensive and integrated national counter-terrorism strategies and the introduction of implementing mechanisms that include attention to the factors that lead to terrorist activities. In paragraph 16 of its resolution 2395 (2017), the Council *encourages* Member States themselves to consider developing comprehensive and integrated national counter-terrorism strategies and effective mechanisms to implement them.

674. Since the previous survey, CTED has identified an increase in the number of Member States that have taken steps to develop a broader approach in countering terrorism, including by engaging a broader range of governmental stakeholders, beyond law enforcement agencies. This trend has been driven in part by the evolution of the threat, including the continued impact of the foreign terrorist fighter (FTF) phenomenon (especially in the context of the return or relocation of FTFs from the conflict zones in which they were active). Another driving factor has been the shift in terrorist groups' tactics (including their increased focus on







to expand narrowly focused counter-terrorism strategies to be more comprehensive and integrated and to engage a wider range of stakeholders.<sup>108</sup>

678. The holistic approach required in the development and implementation of comprehensive counter-terrorism strategies may be similar to the approach employed in other contexts (e.g.,



682. Pursuant to Council resolutions 2178 (2014), 2322 (2016), 2396 (2017) and 2462 (2019), Member States have accelerated the review of their existing legislative and administrative frameworks and, where necessary, enacted new measures to incorporate the requirements of the relevant Council resolutions into domestic law. However, despite this progress, the degree to which the relevant offences have been codified continues to require careful monitoring.

683. The relevant Council resolutions require Member States to criminalize preparatory acts, including the planning, aiding and abetting of the commission of terrorist offences. The relevant legislative measures must be supported by adequate jurisdiction in order to ensure that domestic courts are competent to deal with potential offenders. However, many States do not yet use the active personality (nationality) principle to prosecute preparatory or accessory acts conducted with



leading to the criminalization of non-violent conduct that falls outside the scope of the relevant international instruments.

688. Overbroad definitions also pose challenges in terms of compliance with international human rights law, both a requirement of the relevant Council resolutions<sup>109</sup> and a prerequisite for effective and sustainable counter-terrorism practice. As noted by the Committee, unclear definitions of terrorism could also undermine States' efforts to prevent and suppress terrorism by increasing the likelihood that large numbers of persons will be subject to investigation and prosecution in respect of conduct that the international counter-terrorism instruments do not require States to criminalize, thereby stretching the capacities of law enforcement and judicial systems. Definitional shortcomings can also undermine international cooperation in the fight against terrorism.

## 2. Criminal justice

689. The relevant Security Council resolutions, including resolutions 1373 (2001), 2178 (2014) and 2396 (2017), stress the need for Member States to ensure effective criminal justice responses to terrorism. Because effective prosecution of counter-terrorism cases relies on specific skills and expertise, States' investigative, prosecutorial and judicial authorities must develop ways to deal with the increasing complexity of such cases. Most States visited by the Committee continue to

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701. The effectiveness of extradition processes is impacted by the lack of ratification or insufficient implementation of the existing international counter-terrorism instruments, as well as the lack of an effective and comprehensive domestic framework to facilitate formal and informal cooperation with foreign law enforcement and criminal justice authorities. Challenges encountered by States further include denials of extradition requests based on nationality, politicization of extradition, and the need for certain jurisdictions to better define their processes for making, receiving, and processing requests.

702. Effective and appropriate









710.

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impartial humanitarian actors when operating in an armed conflict in a context where terrorist groups are active. In this context, the Council urges States, when designing and applying measures to counter the financing of terrorism, to take into account the potential effects of those measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law.

(a) **Counter-terrorism and humanitarian action**

713. Terrorism and violent extremism

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Committee of the Red Cross (ICRC) have also warned of a chilling effect, “which disincentivizes or prevents frontline responders from reaching populations in need”.<sup>123</sup>

715. The Security Council, in its resolutions 2462 (2019) and 2482 (2019), urges all Member States, when designing and applying measures to counter terrorism, to take into account the potential effect of these measures <sup>124</sup> on **exclusively** humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law and humanitarian principles. The Joint report of CTED and the Analytical Support and Sanctions Monitoring Team on actions taken by Member States to disrupt terrorist financing (S/2020/493), prepared pursuant to paragraph 37 of Security Council resolution 2462 (2019), notes that 45 per cent of States who responded to a dedicated questionnaire lacked an institutional framework to consider the effects of inappropriately applied s8 c[(a)7(n)m2(i)4573998W\*nBT



of international humanitarian law are duly investigated and prosecuted and that States assist one another in connection with terrorism-related criminal investigations and criminal justice proceedings, including in obtaining necessary evidence.

718. In their efforts to hold accountable FTFs, criminal justice systems have often faced challenges in their efforts to investigate and prosecute conduct perpetrated thousands of miles away, often in zones ridden by armed conflict, experiencing a breakdown of the rule of law and associated institutions and the proliferation of armed non-State actors. Effectively prosecuting related conduct perpetrated in conflict zones may require the use, consistent with fair trial guarantees under international law, of types of information and evidence with which States may not have extensive experience, including e-evidence, open source and social media intelligence, and information collected or obtained from conflict zones, including by military actors. These factors present significant challenges for many States which, if left unaddressed, may lead to impunity and denial of justice to victims of terrorism and to society more broadly. Lack of accountability for FTFs in turn weakens the rule of law, thereby contributing to conditions conducive to radicalization to violence, and risks setting off a vicious circle of conflict and instability.

## **D. Countering the financing of terrorism**

### **1. Understanding terrorism financing risks, threats and trends**

719. The adoption of resolution 2462 (2019) has brought a new focus on terrorism-financing risks, urging all States to develop a clear understanding of the terrorism-financing risks to which they are exposed and of those economic sectors (including non-financial services) that are most vulnerable to the financing of terrorism.<sup>128</sup> Although most States have yet to conduct a dedicated terrorism-financing risk assessment, many have considered the related risk as part of their NRAh which States



720. Around the globe, terrorists and terrorist groups continue to raise funds through, inter alia, abuse of legitimate enterprises and non-profit organizations, exploitation of natural resources, donations, crowdfunding, and the proceeds of criminal activity, including kidnapping for ransom, extortion, illicit trade and trafficking in cultural property, trafficking in persons, drug trafficking and the illicit trade in small arms and light weapons.<sup>131</sup> These funds are moved by “traditional” means such as formal banking systems, financial institutions, money service businesses or informal financial networks and cash-couriers, as well as through the use of emerging payment methods, such as prepaid cards, mobile wallets or virtual assets.<sup>132</sup>

721. Terrorist groups continue to misuse social media and encrypted messaging platforms to raise and move the funds required to finance their activities. Key challenges in the detection, investigation and prosecution of terrorism financing through the abuse of social media services include the significant number of social media services and user accounts; the overall amount of social media usage; tracing and identifying persons; analysis of digital forensic evidence; and the transnational nature of procedures for obtaining evidence.<sup>133</sup>

722. As noted by the Monitoring Team, ISIL cells in Iraq and the Syrian Arab Republic continue to raise funds through extortion, harassment and kidnapping for ransom.<sup>134</sup> They also receive funds via informal financial networks from abroad. Funds have also been reported to flow in and out of camps for internally displaced persons (IDPs) via unregistered money service businesses as a means of support for ISIL and fighters’ family members. These funds also support the smuggling of people out of camps.

723. Groups and individuals involved **terrorism on the basis of xenophobia, racism and other forms of intolerance** have been reported to self-fund and to use various fundraising methods, including direct donations, political grants, membership fees, crowdfunding, cryptocurrencies, commercial activities such as mail-order and web-based sales (music, literature, merchandise, etc.), revenues from concerts, festivals and martial arts events, real estate transactions, online gaming, and illegal activities (e.g., drug dealing).

724. The use of cryptocurrencies and technologies that are largely untraceable continues to increase.<sup>135</sup> Based on over 100 case studies for the period 2017-2020, the Financial Action Task Force (FATF) has noted that virtual assets were used to evade sanctions and raise funds to support

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<sup>131</sup> See S/RES/2462 (2019); S/RES/2482 (2019); S/2020/493, para. 58.

<sup>132</sup> See S/RES/2462 (2019); S/2020/493, paras. 43, 57.

<sup>133</sup> See e.g., “Social media and terrorism financing”, *Typologies Report of the Asia/Pacific Group on Money Laundering and the Middle East and North Africa Financial Action Task Force*, (January 2019).

<sup>134</sup> See S/2021/68, paras. 78-83.

<sup>135</sup> S/2020/493; S/2021/68, para. 81 re financing of terrorism by purchasing cryptocurrency coupons, recovering funds through encrypted



terrorism.<sup>136</sup> There are ongoing reports of increased use of cryptocurrency by ISIL and Al-Qaida and terrorist fighters or their family members seeking to raise funds via cryptocurrency wallet addresses.<sup>137</sup>

725. Terrorist organizations have also turned to various criminal activities as a source of funding. It appears that small terrorist cells are more likely to use nominal sums from self-financing or from NPOs seeking to move FTFs to conflict zones. Drug trafficking and smuggling of persons or arms are among the crimes used to raise funds for larger terrorist groups. Different disruption strategies are therefore needed. The economic consequences of the COVID-19 pandemic appear to have led terrorists to increase their reliance on criminal activities. Increased reliance on drug smuggling, trafficking in minerals and prec 1 65.3257(c)7(t)-34(i)28(vi)28(t)-34(i)28(e)-55(s)14( )-62(I)-41(nc)



728. However, legislation criminalizing terrorism financing is not sufficient to ensure that the financiers are effectively brought to justice. Indeed, the generally limited number of convictions secured for terrorism financing (even where the risk is high) indicates the need to strengthen systematic financial investigations conducted in parallel to terrorism cases.<sup>141</sup> Many States continue to face practical difficulties in ensuring the admissibility of financial intelligence in criminal proceedings and often elect to use other offences to prosecute and convict terrorist financiers. Pursuant to resolution 2462 (2019), which highlights the value of financial intelligence and financial investigations in counter-terrorism, Member States should further reinforce the analytical capacity of their FIUs, strengthen frameworks that allow for inter-agency cooperation in order to more effectively investigate the financing of terrorism, and intensify the timely exchange of financial intelligence, domestically and internationally, in terrorism-related cases.

729. There is also a global need to enhance specialized expertise of personnel in handling increasingly complex cases involving advanced investigation techniques and international cooperation mechanisms, in order to keep pace with the rapid evolution in financial tools and terrorism-financing methods.<sup>142</sup> Increased sophistication of investigative techniques, resources, and tools to detect terrorism financing has also become a challenge from the human rights perspective, including with respect to the lack of adequate safeguards for privacy and data protection.

730. Many States have made significant progress in their implementation of the asset-freezing requirements set forth in Council resolution 1373 (2001). It appears, however, that a large majority of States have never used their national mechanisms to make national designations and freeze assets accordingly.<sup>143</sup> Only a few States have submitted or received third-party requests for designations, and others continue to require processing through MLA channels (which is not consistent with resolution 1373 (2001)). Member States continue to appear confused about the freezing requirements in resolution 1373 (2001) compared to those introduced under Security Council sanctions regimes. Moreover, some States continue to rely on criminal proceedings as a provisional measure or on administrative actions and thus fail to freeze funds “without delay” as required by resolution 1373 (2001).

731. Member States are called upon to implement a risk-based approach in preventing misuse of the non-profit sector for terrorism-financing purposes because not all NPOs are inherently subject to terrorism-financing risks. For many States, this process has only just begun. Although most States have adopted a number of legal and regulatory measures to comply with international requirements, only a third of States have taken dedicated practical measures and engaged in

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<sup>141</sup> S/2020/493, paras. 59 *ff.*

<sup>142</sup> S/2020/493, para. 87.

<sup>143</sup> S/2020/493, para. 26.



ongoing dialogue with the non-profit sector on this issue.<sup>144</sup> In many States, the understanding of the extent of the abuse of NPOs for terrorism-financing purposes remains very limited.

732. In many parts of the world, coordination mechanisms between national authorities, the private sector and civil society on CFT-related matters are absent or insufficient. Where public/private partnerships or consultation mechanisms with civil society have been formalized, they are often limited to the process of assessing terrorism-financing risks faced by the NPO sector in order to achieve compliance with revised FATF Recommendation 8. However, those States that have created active public/private partnerships report an increase in the quality and quantity of STRs received in relation to terrorism financing.<sup>145</sup> Financial institutions are increasingly using intelligence analysis to detect and predict financial crime risks. In return, the financial sector can offer a wealth of information, including data on transactions, behaviours and user identity, that can assist the competent authorities to establish financial connections between suspects and conduct preventive or post-attack analysis.<sup>146</sup> Partnerships with the financial technology industry and Internet companies, particularly social media companies, ar





practitioners to detect and deter such links, including training in identifying, tracing and countering illicit digital methods used for terrorism financing and in data forensics.

#### **E. Law enforcement**

735. Member States' implementation of resolution 1373 (2001) has been greatly enhanced by the establishment of dedicated law enforcement counter-terrorism units and the training of specialized counter-terrorism officers to investigate terrorist and criminal acts. A significant number of States have also developed this capacity using computerized tools, establishing watch lists and databases, cross-checking criminal files, and expanding information-





other

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engage with the 2001 United Nations Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects (PoA), which provides a framework for activities to counter illicit trade in SALW.

## **F. Border control**

745. Maritime, land and air borders are the first line of defence against the movement of terrorists, illicit goods and cargo. However, the considerable length of many States' borders, the complex terrain that they often traverse, the increasing presence of unofficial BCPs, and the use of broken travel pose significant challenges to Member States in this area. Paragraph 2 (g) of resolution 1373 (2001) requires States to prevent the movement of terrorists or terrorist groups by effective border controls and controls on the issuance of identity papers and travel documents and through measures for preventing counterfeiting, forgery and fraudulent use of identity papers and travel documents.

746. One of the greatest challenges encountered by States in their efforts to meet the related requirements of resolution 1373 (2001) is the need to effectively screen travellers at ports of entry. Member States are required to implement a broad range of border security tools and methods and ensure that their border-management strategies are sufficiently comprehensive and multi-faceted. Two of the most effective tools available to States in this regard are Advanced Passenger Information (API) and Passenger Name Records (PNR); a capability to collect, use, process, and protect API and PNR data is required by Security Council resolutions 2396 (2017) and 2482 (2019), as well as pursuant to Annex 9 of the Convention on International Civil Aviation ("Chicago Convention").<sup>152</sup> API and PNR allow Member States to collect and analyse data of passengers travelling into and out of their borders in order to identify, detect and interdict terrorists and other criminals. Currently, 86 Member States have implemented API and 53 have developed a PNR capacity. Even though the rate of API/PNR implementation by Member States is increasing, many States continue to face significant challenges in this regard, including the cost of implementation, the level of technical training required to operate such systems, and the need for appropriate data-protection laws.

747. Another highly effective way of strengthening borders is by providing frontline officers and law enforcement officials with access to, and use of, watch lists that enable them to identify known or suspected terrorists at the border. In its resolution 2396 (2017), the Security Council decided that States should, where appropriate, make use of such watch lists for the purpose of use by law enforcement, border security, customs, military and intelligence agencies, to screen travellers and conduct risk assessments. Such watch lists should be used in a manner that respects the rights of individuals, including the right to privacy, and should be subject to appropriate oversight and accountability mechanisms.







emerging capacity for people to connect remotely with others located all over the world offered both opportunities and risks.

755. In response to measures taken by large technology companies and Member States to counter exploitation of the Internet and social media, terrorists have migrated to more discreet sites, smaller platforms that are less able or willing to moderate content, end-to-end encryption



increase in use of the Internet, enabling terrorist groups espousing various terrorist narratives to spread propaganda, fuel hatred towards common enemies, and radicalize to violence new individuals (especially young people who are most vulnerable), including through gaming.

## **2. Use of technologies to counter terrorism**

759. The use of technologies to counter terrorism is a topic of growing concern to counter-terrorism practitioners, policymakers and researchers in the context of the increasing role played by technology in terrorism and counter-terrorism. This is addressed by the Security Council notably in its resolutions 2129 (2013), 2178 (2014) and 2395 (2017), predominantly in the context of combatting terrorist misuse of ICT.<sup>153</sup>

### **(a) Artificial intelligence (AI)**

760. Over the past few years, several P/CVE programmes and tools with AI and algorithmic amplification have been developed. For example, the Redirect initiative developed by Jigsaw (a subsidiary









Convention on Cybercrime. The negotiations commenced in September 2017. The following elements are being considered: (i) provisions on more efficient MLA; (ii) provisions on direct cooperation with providers in other jurisdictions; (iii) framework and safeguards for existing practices of extending searches





**H. Human rights in the context of countering terrorism and violent extremism conducive to terrorism**

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expression. The human rights implications of criminal provisions to prohibit the incitement of



continued use by States of national security arguments and legislation and counter-terrorism strategies as justification for blocking access to, or punishment for engaging with, the United Nations.

783. Council resolution 2462 (2019), on countering the financing of terrorism, recognizes the vital role played by NPOs in national economies and social systems. It also encourages Member States to work cooperatively with the non-profit sector in order to prevent abuse of such organizations, while recalling that States must respect human rights and fundamental freedoms. The Executive Directorate therefore continues to enquire of States as to whether their reviews of their non-profit sector laws ensure respect for the right to freedom of association and for the legitimate role played by NPOs in the collection and distribution of funds. The Executive Directorate has noted with concern CFT provisions (e.g., restrictions on freedom of association



significant gaps in the systematic collection of gender-disaggregated data across Member States. Such gaps were identified, for example, in relation to tracking the number of women who participate in terrorist activity (e.g., number of women who travelled to join ISIL), the number of women who returned from the conflict zones, and their subsequent fate (e.g., number of prosecutions, convictions etc.). This lack of information undermines States' ability to understand and counter the unique threat posed by women and to design appropriate responses. Gathering and analysing gender-disaggregated data more systematically would ensure that Member States' policy decisions are evidence-based and tailored and that capacity-building needs are identified early.

## **2. Gender-sensitive prosecution, rehabilitation and reintegration (PRR)**

787. In its resolution 2396 (2017), the Security Council emphasizes that women and children require special focus when Member States are developing tailored PRR strategies.<sup>167</sup> Additional





sensitive approach to PRR. Within judicial systems, there is an urgent need for training and capacity-building on gender-sensitive approaches to investigations and prosecutions.<sup>169</sup>

### **3. Countering violent extremism conducive to terrorism (CVE)**

792. Women are making a critical contribution to countering violent extremism conducive to terrorism (P/CVE) in all regions of the world. They are often at the forefront of civil society efforts to build more resilient communities, sometimes at great risk to their own security. Council resolution 2242 (2015) urges Member States and the United Nations system to ensure the participation and leadership of women and women's organizations in developing strategies to counter terrorism and violent extremism which can be conducive to



795. However, there continues to be near-complete impunity for human trafficking and sexual violence perpetrated in a terrorism context. It is therefore essential to address gaps in investigations, prosecutions and sentencing, which must be firmly rooted in a human rights-based and gender-sensitive approach. This is critical to strengthening collective efforts to deter human trafficking by terrorist groups, address the current impunity of perpetrators, and facilitate victim's access to justice and support services.

796. The covert nature of human trafficking, the difficulty in collecting evidence, and the lack of expertise required to conduct proper investigations undermine efforts to fully understand and effectively address the links between human trafficking and terrorism.<sup>172</sup>

**5. Groups motivated by racism, xenophobia and related intolerance**

797. Gender influences the discourse and operating methods of groups motivated by racism, xenophobia and related intolerance. Misogyny and violence were being used in targeted propaganda and recruitment efforts aimed at certain men. Although the convictions of groups motivated by racism, xenophobia and related intolerance is often deeply misogynistic, women nonetheless play active and important roles within such groups. It is therefore imperative that gender perspectives be fully integrated into the response to the threat presented by groups motivated by racism, xenophobia and related intolerance.