

Resolution 2090 (2016)¹

Combating international terrorism while protecting Council of Europe standards and values

Parliamentary Assembly

1. The Parliamentary Assembly is increasingly concerned about international terrorism, which has in recent years claimed huge numbers of innocent victims throughout the world, and in particular in Council of Europe member States and their direct neighbourhood. In 2015, 625 people were murdered and more than 800 injured during eight terrorist attacks in France, Turkey, Egypt, Iraq, Lebanon and Tunisia. In 2016, several dozen people have already been murdered in terrorist attacks in Turkey, Burkina Faso and Indonesia.
2. Responsibility for all these terrorist attacks was claimed by terrorist groups which call themselves “Islamic”. Daesh was responsible for the recent terrorist attacks in Europe and its direct neighbourhood, whereas Boko Haram has probably killed the highest number of innocent people. Other terrorist groups that have been active in recent years, and that claim to be based on Islam, are al-Qaeda and al-Shabaab.
3. The Assembly emphasises the dramatic consequences of these terrorist acts and threats on individuals, and on our societies. Besides the tragedy of innocent people losing their lives, being injured and traumatised, growing unrest, mistrust and fear destabilise our societies. Moreover, countermeasures may lead to abuse and disproportionate restrictions on individual freedoms and also mobilise large amounts of public funds which cannot be used for other purposes.
4. Recalling its [Resolution 2031 \(2015\)](#) “Terrorist attacks in Paris: together for a democratic response”, the Assembly reiterates that all the above-mentioned terrorist massacres were attacks against the very values of democracy and freedom in general, against the type of society that our pan-European Organisation has aimed at building since the end of the Second World War.
5. The Assembly reaffirms once again its strong condemnation of all acts of terrorism. No arguments can justify them. The Assembly rejects any attempt to excuse terrorist attacks as they go completely against the spirit of the European Convention on Human Rights (ETS No. 5) and the standards and values it enshrines.
6. The Assembly applauds the many and various ways in which individuals, groups and societies have protested during the past year against acts of terrorism. It recalls that, on 11 January 2015, about 2 million people, including more than 40 world leaders, gathered together in Paris for a rally of unity, and that 3.7 million people joined demonstrations across Europe and elsewhere around the globe.
7. The Assembly emphatically rejects the abuse of the description “Islamic” by terrorist criminal organisations. Neither Daesh nor similar terrorist groups have any right to claim they act in the name of Islam, or that they represent the Muslim community. On the contrary, most of their victims to date are Muslims: they have been and are still being terrorised, abused, exploited, tortured and massacred by these terrorist groups, whereas their religion is slandered by the abusive use of the term “Islamic” by these very groups.

1. *Assembly debate* on 27 January 2016 (6th Sitting) (see [Doc. 13958](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Tiny Kox; [Doc. 13960](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pierre-Yves Le Borgn'; [Doc.13966](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Gülsün Bilgehan). *Text adopted by the Assembly* on 27 January 2016 (6th Sitting).



8. The Assembly recognises the invidious position in which these attacks place Muslims and calls on political leaders to take particular care in condemning such attacks to avoid making stigmatising generalisations that portray whole groups of the population as responsible for the acts of individuals. At the same time, it encourages Muslim leaders and intellectuals to publicly, clearly and continually condemn the shameful abuse of their religion by fanatical murderers, whose goal is to intimidate individuals and States using all kinds of violence against innocent people. It calls on Muslim leaders to emphasise that Muslims, as well as followers of other religions, greatly benefit from the protection of their rights and freedoms by the European Convention on Human Rights, and that, also for that reason, their communities should fiercely and publicly defend the Council of Europe standards and values against terrorists who threaten them.

9. After the recent terrorist attacks, many politicians declared a state of war with Daesh. However, those who commit terrorist acts are not soldiers of an army, representing any State or international organisation, but ruthless criminals who commit heinous crimes against innocent people in order to destabilise our societies. Recalling its [Resolution 1840 \(2011\)](#) on human rights and the fight against terrorism, the Assembly reaffirms that the concept of “war on terror” is misleading and unhelpful and therefore might be a threat to the entire framework of international human rights.

10. The Assembly reiterates that democracies have the inalienable right, and the inseparable obligation, to defend themselves when attacked. It thus finds that the fight against terrorism must be reinforced while ensuring respect for human rights, the rule of law and the common values upheld by the Council of Europe. It underlines that combating terrorism and protecting Council of Europe standards and values are not contradictory but complementary.

11. While acknowledging the need for member States to have access to sufficient legal instruments to combat terrorism efficiently, the Assembly warns against the risk that counterterrorism measures may introduce disproportionate restrictions or sap democratic control and thus violate fundamental freedoms and the rule of law, in the name of safeguarding State security.

12. In this respect, the Assembly echoes the concerns expressed by the Council of Europe Commissioner for Human Rights on France’s decision, in November 2015, to declare a state of emergency and to later prolong it. It also echoes the concerns of the United Nations Committee on the Elimination of Racial Discrimination that in Turkey “in the context of the fight against terrorism, the enforcement of anti-terrorism legislation and security-oriented policies have reportedly resulted in racial profiling of members of the Kurdish community”. The Assembly is concerned that the security crackdown might spread to other Council of Europe member States.

13. The Assembly is also concerned that, in spite of the worldwide adoption, in 1999, of the United Nations Convention on the Suppression of the Financing of Terrorism and the entry into force, in 2008, of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and the Financing of Terrorism (CETS No. 198), until now it has been impossible to cut off the financial lifelines of Daesh, which therefore remains the richest terrorist organisation ever, able to sell oil, gas and stolen archaeological objects to others in return for tens of millions of dollars each month.

14. Referring also to its [Resolution 2091 \(2016\)](#) on foreign fighters in Syria and Iraq, the Assembly welcomes the adoption by the Committee of Ministers of the Council of Europe of the Additional Protocol to the Convention on the Prevention of Terrorism (CETS No. 217) on foreign terrorist fighters, as it had called for in its [Resolution 2031 \(2015\)](#).

15. It also welcomes the proposal for a directive of the European Parliament and of the Council on combating terrorism.

16. The Assembly therefore calls on the parliaments and governments of member States to ensure that, in their fight against terrorism:

16.1. when adopting and implementing legislation or other administrative measures, a fair balance is struck between defending freedom and security, on the one hand, and avoiding the violation of those very rights, on the other;

16.2. a state of emergency is limited to the strict minimum in both time and space, regardless of whether such a state is declared under Article 15 of the European Convention on Human Rights or results from a *de facto* situation either in the whole or part of their territory;

16.3. law-enforcement bodies do not abuse their powers or circumvent basic legal requirements and do not disproportionately restrict individual freedoms, in line with the European Convention on Human Rights and the case law of the European Court of Human Rights; any administrative decisions taken in this context should always be subject to judicial review;

16.4. there is no ethnic or racial profiling of suspects subjected to search and seizure operations, arrests or other coercive measures;

16.5. there is effective democratic oversight exercised by both the parliament and other independent actors, such as national human rights institutions and civil society;

16.6. appropriate means and training are granted to law-enforcement bodies and security and intelligence services to cope with the rising threat of terrorism, including the new challenges posed by the so-called “jihadist” threat;

16.7. intelligence services refrain from indiscriminate mass surveillance, which has proven to be inefficient, and instead increase their collaboration; co-operation with other democracies as well as with countries in the Middle East and the Arab world is also important;

16.8. pertinent national records related to terrorist offences and information on airline passengers posing security threats are shared, subject to appropriate data-protection guarantees;

16.9. the financial lifelines of international terrorism and arms trafficking are cut off, including through the effective implementation of United Nations and Council of Europe conventions against the financing of terrorism.

17. The Assembly calls on the Secretary General of the Council of Europe to follow counterterrorist measures taken by the member States, evaluate their necessity and proportionality, as appropriate, in the context of an inquiry under Article 52 of the European Convention on Human Rights, and keep the Assembly regularly informed.

18. With a view to strengthening legal action against terrorism, the Assembly calls on Council of Europe member States and neighbouring countries to sign and ratify, as a matter of priority, the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and its new additional protocol, if they have not already done so.

19. The Assembly underlines that concerns about repressive responses to terrorism must not obscure the need for our societies also to work constantly to ensure that all their members are included. It urges member States to do their utmost to eradicate breeding grounds for terrorism and religious fanaticism, especially through education, social policies and an inclusive society. Concrete measures should be taken to prevent and fight radicalisation, in particular in schools, disadvantaged neighbourhoods, prisons and on the Internet and social media, in line also with Assembly [Resolution 2031 \(2015\)](#).

20. The Assembly welcomes the implementation to date of the Action Plan on the fight against violent extremism and radicalisation leading to terrorism, adopted in May 2015 by the Committee of Ministers, which provides for a number of targeted activities capable of supporting and reinforcing the efforts of member States at national and international levels. Noting that the full implementation of the action plan depends on extra-budgetary resources, the Assembly calls on member States to consider allocating voluntary contributions for this purpose.

21. Finally, with a view to providing law-makers in particular with a sound constitutional basis, the Assembly asks the European Commission for Democracy through Law (the Venice Commission) for an opinion on the compatibility of the proposed draft revision of the French Constitution, aimed at incorporating rules governing a state of emergency and on the deprivation of nationality into the constitution, with the European Convention on Human Rights and with Council of Europe standards.