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(Revised version)

Foreign fighters in Syria and Iraq

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A. Draft Resolution

1. In recent years, the phenomenon of “foreign fighters” – individuals, driven mainly by ideology, religion and/or kinship, who leave their country of origin or habitual residence to join a party engaged in an armed conflict – has expanded almost worldwide and has become a major global challenge for the international community.
2. The Parliamentary Assembly condemns in the strongest terms the recent terrorist attacks which took away the lives of hundreds of citizens of Turkey, the Russian Federation, Lebanon, France, Tunisia, and of many other countries, and reaffirms its position of principle in support of the fight against terrorism in all its forms and wherever it occurs. It notes with great concern that many of these recent terrorist attacks are claimed by, and may be attributed to, individuals who act in the name of the terrorist entity which calls itself “Islamic State” (“IS”).
3. In this context, the Assembly is extremely worried about the growing flow of foreign fighters – men and women from across Europe – who travel to Syria and Iraq in order to join “IS” and other violent extremist groups which openly reject and attack fundamental values and commit heinous crimes against both European citizens and the local population of the countries where they go to join the “jihad”.
4. Therefore the Assembly deems it of utmost importance to raise public awareness of, understand and address the foreign fighters phenomenon, including the problems related to the return of foreign fighters to their home countries, which is a major and growing threat to domestic and international security.
5. This threat takes on an even greater degree of urgency in the light of the bloody attacks in Paris in November 2015, as well as a number of previous terrorist attacks where there is credible evidence that most perpetrators were

Amendment 4 **Tabled by the Committee on Legal Affairs and Human Rights**

In the draft resolution, at the end of paragraph 2, insert the following words: "and who may have perpetrated acts of genocide and other serious crimes punishable under international law. States should act on the presumption that "IS" commits genocide and should be aware that this entails action under the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide".

Amendment 5 **Tabled by the Committee on Legal Affairs and Human Rights**

In the draft resolution, paragraph 3, after the words "which openly reject and attack", insert the following word: "European".

Amendment 6 **Tabled by the Committee on Legal Affairs and Human Rights**

In the draft resolution, at the end of paragraph 3, insert the following sentence: "The Assembly recalls that under international law States have a positive obligation to prevent genocide, and thus should do their utmost to prevent their own nationals from taking part in such acts."

Amendment 7 **Tabled by the Committee on Legal Affairs and Human Rights**

In the draft resolution, at the end of paragraph 4, insert the following sentence: "Fighters who may have perpetrated acts of genocide and/or other serious crimes prohibited under international law, and who seek international protection upon their return to Europe, should under no circumstances be granted refugee status".

linked to "IS" and had fought in Syria/Iraq. This threat should also be considered against the background of the unprecedented wave of arrivals of refugees and migrants in Europe.

6. Furthermore, in addition to direct security threats such as terrorist attacks by returnees, there are risks that foreign fighters seek, both while abroad and after return, to broaden support to their causes and extend radical terrorist networks by recruiting new followers, glorifying terrorist acts and sharing experience with, and providing training in terrorist techniques to, new recruits.
7. More broadly, by misusing religious motivations of their choices and acts, foreign fighters actually do harm to religious communities which they claim to belong to and fight for. As a result, there are risks of undermining the cohesion and integrity of democratic societies by exacerbating cleavages between the various ethnic and religious groups. The Assembly reaffirms in this respect that terrorism should not be associated with any religion, nationality or ethnic group.
8. The Assembly is particularly worried about the growing proportion of women and young girls who travel to join "IS"; in some countries, this exceeds 40% of all departures. While, for the time being, it seems that women and girls do not take part directly in the fighting, it is to be feared that this could happen in the future as "IS" sustains losses in the ranks of its fighters.
9. The foreign fighters problem is likely to remain on the political agenda for years to come, and may even deteriorate. It is therefore essential to deepen the understanding of its root causes and devise appropriate policy responses to address them. While there is a tendency to take quick and visible short-term action focused on protection and punishment in reaction to immediate threats, the Assembly believes that a security-oriented approach is not enough, and stresses the need to put more emphasis on addressing the underlying factors of radicalisation, as well as on prevention, discouragement and reintegration policies which may yield long-term results.
10. According to various studies, becoming a foreign fighter is a result of, and may be an ultimate step in, the process of radicalisation – a complex phenomenon of people embracing radical ideology and intolerant opinions, views and ideas that could lead to violent extremism and the commitment of terrorist acts.
11. Radicalisation is most often a result of the interaction of a series of political, socio-economic, ideological, personal and psychological factors. It may affect men and women of all social origins, particularly the young, including those originating from the middle classes and holding higher education degrees. Individuals feeling marginalised, ill-treated, socially excluded and desperately seeking a meaning to life and a sense of belonging are at high risk of being radicalised, indoctrinated by extremist propaganda, including via Internet and social networks, and being recruited by terrorist groups.

Amendment 8
Tabled by the Committee on Legal Affairs
and Human Rights

In the draft resolution, paragraph 9, third sentence, replace the words "prevention, discouragement and reintegration policies which may yield long-term results" with the following words: "prevention and discouragement policies which may yield long-term results".

12. As to the driving factors which may lead to a decision to travel to a conflict zone, these may include a sense of outrage at what is alleged to be happening in the country where the conflict is taking place and empathy with the people being affected, adherence to the ideology of the group an individual wishes to join, and a search for identity and belonging. Other drivers may be foreign policy grievances, national policy, intergenerational conflict and peer pressure. In addition, young women and girls may be attracted, via Internet recruiters, by promises of romance and marriage to “IS” fighters and their perceived “true masculinity”, and the prospects of building genuine Islamic families in a “Caliphate” under Sharia law and becoming mothers of the next generation of jihadists.
13. The Assembly reiterates that the response to terrorism must comply with international law and the fundamental principles of democracy, respect for human rights and the rule of law, and avoid undermining the values and standards of democracy which terrorists seek to destroy.
14. The foreign fighters problem is being studied and dealt with as a matter of priority by many national governments, specialised agencies, research centres, local authorities, as well as by various regional and international organisations. The Assembly underlines the need for sharing information and best practice and exchanging experiences, and the importance of co-ordinating efforts among all actors involved.
15. Taking into account an ever broadening dimension of the terrorist fighters problem stretching over national, regional and even continental borders, the Assembly believes that the United Nations must continue to play the leading role in shaping a global strategy to counter this dangerous trend. It refers, in particular, to United Nations Security Council Resolution 2178 (2014) on “Threats to international peace and security caused by terrorist acts”, which addresses the issue of foreign terrorist fighters.
16. In this context, the Assembly notes with satisfaction that the Council of Europe was the first international organisation to set up a regional legal instrument to implement the provisions of Resolution 2178 by adopting an additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217). While regretting that the Committee of Ministers did not take into account the proposed amendments contained in Assembly Opinion 289 (2015), the Assembly welcomes the opening for signature of the additional Protocol.
17. The Assembly further welcomes the resolve of the Committee of Ministers to make a strong contribution to the fight against violent extremism and radicalisation leading to terrorism through the adoption of an Action Plan for 2015-2017, which aims to increase the capacity of European societies to reject all forms of extremism. It particularly underscores the relevance of concrete measures for preventing radicalisation through education, in prisons and on the Internet.

18. For its part, the European Union has been active in co-ordinating its member States' response to the problem of foreign fighters, and has developed, inter alia, a "Strategy for Combating Radicalisation and Recruitment to Terrorism" encompassing policy responses which are also relevant for countries outside the European Union.
19. Due to their proximity to citizens, local authorities and other actors at local level have a key role to play with regard to the early detection and prevention of radicalisation and departures of Europeans to the conflict zones, as well as the readaptation and deradicalisation of returnees. In this respect, the Assembly welcomes the efforts by the Congress of Local and Regional Authorities of the Council of Europe to bring together representatives of local authorities from across Europe with a view to sharing experiences and good practice on preventing radicalisation, and to promote integrated approaches at local level in order to ensure that all stakeholders – civil society, faith-based organisations and social, educational, security and justice services – are involved.
20. The Assembly calls on member, observer and partner for democracy States to:
- 20.1. work out a comprehensive response to the foreign fighters problem, striking the right balance between repression of criminal behaviour, protection of populations, prevention of radicalisation, and deradicalisation and re-integration of returnees into their home communities, as well as to address the root causes of radicalisation;

Amendment 9
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, after paragraph 18, insert the following paragraph:

"The Assembly notes that a number of countries take measures to take away the nationality of foreign fighters. That is admissible as long as international law and proper judicial procedures are followed."

Amendment 10
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 19, first sentence, delete the words: "readaptation and".

Amendment 11
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 20.1, replace the words ", prevention of radicalisation, and deradicalisation and re-integration of returnees into their home communities" with the following words: "and of human rights, prevention of radicalisation, and deradicalisation".

Amendment 12
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, after paragraph 20.1, insert the following paragraph:

"fulfil their positive obligations under the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide by taking all necessary measures to prevent genocide."

Amendment 22
Tabled by Ms Julia KRONLID, Mr Viktor VOVK, Mr Valeriu GHILETCHI, Mr Johan NISSINEN, Mr Pavlo UNGURYAN

In the draft resolution, after paragraph 20.1, insert the following paragraph:

"set out clearly, as part of this response, that the mere fact of travelling to join a terror association or group is considered a criminal offence in most

Council of Europe member States, not least by virtue of the Council of Europe's Convention on the Prevention of Terrorism (CETS N° 196) and notably its Article 6;"

- 20.2. build partnerships between governments, local authorities, the private sector and civil society to address the threat posed by violent extremist ideologies;
- 20.3. recognise and enhance the role of local authorities in dealing with the foreign fighters problem, by raising awareness at the local level, strengthening central advisory capacity, collecting, analysing and sharing local-level approaches, developing local multi-agency structures and creating and pooling new resources and tools;
- 20.4. review the situation in education systems, promote inclusive education and ensure that schools fully play their role in preparing active citizens with a sense of responsibility and critical thinking skills, and prepared to live in diversity and defend the values of democracy;
- 20.5. devise effective measures in order to detect and stop the dissemination of violent extremist propaganda on the Internet and via social networks and the media;
- 20.6. make active use of all communication channels, including the Internet and social media, for spreading counter-narratives aimed at exposing extremist discourse and dissipating illusions about the situation in the territories held by "IS" and the fate of its recruits;

Amendment 19

(If adopted, amendment 13 falls)

Tabled by Mr Dirk Van der MAELEN, Mr Tiny KOX, Mr Mogens JENSEN, Lord Donald ANDERSON, Ms Dora BAKOYANNIS

In the draft resolution, replace paragraph 20.6 with the following paragraph:

"make active use of all communication channels, including the Internet and social media, and draw on the expertise of the best available public relations specialists, to spread counter-narratives aimed at exposing extremist discourse and dissipating illusions about the real situation in the territories held by "IS" and the fate of its recruits, in particular by using testimonies of returnees who have witnessed at first hand the nature of "IS";"

Amendment 13

(Falls if amendment 19 is adopted)

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 20.6, after the words "for spreading", insert the following words: "information about the heinous crimes committed by "IS" and".

- 20.7. enhance inter-cultural and inter-religious dialogue with leaders of the various communities, with particular emphasis on the prevention of radicalisation and the need to counter hate speech and violent extremist propaganda;

20.8. pay due attention to the education and training of religious leaders in full respect of fundamental democratic values, so as to ensure that they disseminate the message of tolerance and resist hate speech;

Amendment 14
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, after paragraph 20.8, insert the following paragraph:

"strongly condemn and, if need be, impose sanctions on religious leaders preaching hate and violence and otherwise attacking European fundamental values".

20.9. pay particular attention to the prevention of radicalisation and terrorist recruitment in prisons;

20.10. take fully into account the increasing number of women and young girls departing to join "IS", develop a gender-specific approach in prevention and re-integration, and specific counter-narratives aimed at women and girls, and fully use the social and family role of women in countering violent extremism;

Amendment 15
Tabled by the Committee on Legal Affairs and Human Rights

in the draft resolution, paragraph 20.10, after the words "to develop a gender-specific approach in prevention", delete the words: "and re-integration".

20.11. prioritise deradicalisation programmes dealing with returnees;

Amendment 16
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, after paragraph 20.11, insert the following paragraph:

"decline to grant refugee status to persons who might have perpetrated acts of genocide or other serious crimes prohibited under international law, and to share information about such persons with other member States."

20.12. enhance international co-operation between competent national and local authorities and specialised agencies with a view to a swift exchange of relevant information, experiences and good practice for engagement with foreign fighters for prevention, outreach, rehabilitation and reintegration;

Amendment 17
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 20.12, replace the words "outreach, rehabilitation and reintegration" with the following words: "outreach and rehabilitation".

20.13. sign and ratify, if they have not already done so, the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and its additional Protocol, as well as other relevant Council of Europe legal instruments.

B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution ... (2016) on foreign fighters in Syria and Iraq.

2. The recent terrorist attacks which took away the lives of hundreds of citizens of Turkey, the Russian Federation, Lebanon, France, Tunisia and of many other countries, require the international community to step up co-operation in the fight against terrorism.

3. The Assembly is convinced that the Council of Europe, with its rich experience in consolidating democracy, protecting human rights, strengthening the rule of law and dealing with issues related to democratic security, can make a more substantial contribution to efforts to address the root causes of the foreign fighters phenomenon, and to prevent terrorism generally.

4. The Assembly welcomes the adoption by the Committee of Ministers of the Action Plan on the fight against violent extremism and radicalisation leading to terrorism. It invites the Committee of Ministers to:
 - 4.1. strengthen the Council of Europe's contribution to the fight against terrorism, enhance its capacities and increase the resources available for activities in this area;
 - 4.2. ensure the swift implementation of the measures aimed at preventing and fighting radicalisation contained in the Action Plan, and give more priority to education in democratic citizenship;
 - 4.3. give substance to the proposal to draw up a Committee of Ministers recommendation on terrorists acting alone.

Amendment 20

Tabled by Mr Dirk Van der MAELEN, Mr Tiny KOX, Mr Mogens JENSEN, Lord Donald ANDERSON, Ms Dora BAKOYANNIS

In the draft recommendation, replace paragraph 1 with the following paragraph:

"The Parliamentary Assembly refers to its Resolution ... (2016) on foreign fighters in Syria and Iraq, as well as to Resolution ... (2016) on combating terrorism while protecting Council of Europe standards and values, and invites the Committee of Ministers to give appropriate consideration to the ideas and proposals contained therein."

Amendment 1

Tabled by Mr Talip KÜÇÜKCAN, Mr Şaban DİŞLİ, Mr Suat ÖNAL, Mr Mehmet BABAOĞLU, Ms Leyla ŞAHİN USTA

In the draft recommendation, after paragraph 4.3, insert the following paragraph:

"reiterate the point that defeating the terrorist group known as "IS" (DAESH in Arabic) and reinstating peace and stability in Syria will not be possible without ending the ongoing conflict through a political transition process."

Amendment 2

Tabled by Mr Talip KÜÇÜKCAN, Mr Şaban DİŞLİ, Mr Suat ÖNAL, Mr Mehmet BABAOĞLU, Ms Leyla ŞAHİN USTA

In the draft recommendation, after paragraph 4.3, insert the following paragraph:

"call on the international community to support steps for a genuine political transition process based on the Geneva Communiqué and reaffirmed in the Vienna statement of November 14, 2015, and urge concrete action to implement without further delay the confidence-building measures outlined in UNSC Resolution 2254."

Amendment 3

Tabled by Mr Talip KÜÇÜKCAN, Mr Şaban DİŞLİ, Mr Suat ÖNAL, Mr Mehmet BABAOĞLU, Ms Leyla ŞAHİN USTA

In the draft recommendation, after paragraph 4.3, insert the following paragraph:

"emphasise that attacks by the Assad regime and its supporters against civilians and civilian populated areas must cease as soon as possible."

5. Furthermore, the Assembly invites the Committee of Ministers to consider the feasibility of developing, at the level of the Council of Europe, a comprehensive legal definition of terrorism, which would greatly contribute to enhanced pan-European co-operation on preventing and suppressing terrorism, the efficient extradition of terror suspects and the provision of mutual legal assistance between member States in terrorism cases.

Amendment 18

Tabled by the Committee on Legal Affairs and Human Rights

In the draft recommendation, delete paragraph 5.

Amendment 21

Tabled by Ms Julia KRONLID, Mr Viktor VOVK, Mr Valeriu GHILETCHI, Mr Johan NISSINEN, Mr Pavlo UNGURYAN

In the draft recommendation, after paragraph 5, insert the following paragraph:

"The Assembly invites the Committee of Ministers to work towards concluding agreements with third countries, the terms of which would guarantee: - that they stand ready to receive nationals of theirs expelled from Council of Europe member States on account of terrorist offences; - that, in accordance with international law, such persons will not be subjected to torture or capital punishment."