

# Landscape assessment Civil Society and Counterterrorism Mechanisms in Europe

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## Introduction

This report was conducted as part of a comprehensive consultation led by the Global Centre on Cooperative Security and Rights & Security International, within the framework of their Scoping Study on "Independent Civil Society-UN Counterterrorism Engagement."

The first version of this landscape assessment was presented in May 2023, providing an overview of the changing security landscape in Europe on both continental and national scale. Notably, since 2015, the security environment in Europe has witnessed a continuous escalation marked by the enactment of increasingly restrictive and discriminatory laws.

Nevertheless, in 2023, numerous events unfolded across several European nations, shedding light on the criminalization of immigration and the categorization of certain offenses and crimes as either acts of terrorism or apology of terrorism.

It is also worthy to note that the impact of UN decisions and programs on Western European countries must be differentiated in comparison with other continents. In Europe, the impact of UN programs and decisions is primarily observed at the diplomatic level, which has shown various limitations, particularly in the recent months.

Also, international events have brought Europe face to face with a security challenge, particularly considering the number of national and international conflicts that have erupted within European countries or at their borders. Indeed, starting with the impact of the war in Ukraine on the European context in 2022, the year 2023 concluded with a tightening of immigration legislations and the conflicts in the Middle East, which directly influenced European policies on terrorism in Europe.

The purpose of this landscape assessment is thus to analyze the mechanisms implemented in Europe to safeguard the acquired rights in the realm of human rights protection through civil society, especially in response to the growing emphasis on security in Europe and now that the security perspective encompasses the fight against terrorism.



# **PART I – Legal overview of the European Union counter-terrorism legislation**

## **I. European legislation and 2015 turning point.**

In 2015, various terrorist attacks took place in Europe while counterterrorism became a priority for the EU.

The EU considered this a common responsibility for every member state. Series of legislation and security measures were adopted to ensure EU's cooperation and coordination around terrorism threats in Europe.

On the 12<sup>th</sup> of February 2015, a joint statement of EU Leaders<sup>1</sup> called for specific and targeted measures on security, prevention of radicalization, and international cooperation.

Despite varying legislations at the national level, the 2017/541 EU Directive sets out a common legal framework to all Member States. The Directive particularly focuses on defining a harmonized definition of offenses related to terrorism.<sup>2</sup>

In November<sup>3</sup> and December<sup>4</sup> 2020 – following multiple terrorist attacks in France, Germany, Austria, and the UK – the EU home affairs' ministers highlighted the EU's mechanisms on the fight against terrorism through the European framework for Counterterrorism:

*“Over the last two decades we have steadily strengthened the security structures and legal framework in the Member States and at European Union level. We have further developed the role of Europol, Eurojust and Frontex. We have improved information-sharing and the use of European databases and information systems, and we have deepened police and judicial cooperation. The European Union has recently adopted powerful legislative instruments, such as in the field of firearms<sup>5</sup>, terrorism financing<sup>6</sup>*

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<sup>1</sup> Council of the European Union, Informal meeting of the Heads of State or Government Brussels, 12 February 2015 - Statement by the members of the European Council (2015)

<sup>2</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism

<sup>3</sup> Council of the European Union, Joint statement by the EU home affairs ministers on the recent terrorist attacks in Europe (2020)

<sup>4</sup> General Secretariat of the Council, Conclusions - European Council meeting (10 and 11 December 2020)

<sup>5</sup> Directive 2017/853/EU of 17 May 2017 on control of the acquisition and possession of weapons

<sup>6</sup> Directive 2018/1673 of 23 October 2018 on combating money laundering by criminal law



*and criminal law*<sup>7</sup>. *Additional efforts and resources are necessary to fully implement the legislation adopted and apply what has been agreed so far.*<sup>8</sup>

This joint statement also highlighted the fact that despite strong security measures, Member States should focus on keeping core values of democracy such as religious freedom, social cohesion, and preventing radicalization:

*“We therefore stress our commitment to protecting in Europe religious expression which is both peaceful and respectful of the laws adopted by our Member States. This applies equally to all religions.”*<sup>9</sup>

However, this 2015 turning point in combating terrorism after the 2015 attacks in Europe and the adoption of specific legal frameworks raises criticism in many ways.

## **II. European context**

The EU counter-terrorism agenda contains more than 200 counter-terrorism-related measures that led to increasing islamophobia and violence against Muslim communities in Europe.

As observed by the European Commission against Racism and Intolerance: *“Islamophobia is still prevalent in most member states. In public discourse, Islam and Muslims continue to be associated with radicalization, violence and terrorism”*.<sup>10</sup>

Europol’s 2022 terrorism situation and trend report identifies that *“lone actors associated with jihadist and right-wing violent extremism remain the biggest threat associated with potential terrorist and violent extremist attacks in the EU. The online environment plays a key role in this as it facilitates (self-) radicalization and the spread of terrorist propaganda.”*<sup>11</sup> It also highlights that the impact of COVID-19 pandemic on terrorism was particularly visible in terms of shaping extremist narratives and making some individuals more vulnerable to radicalization due to social isolation and more time spent on social medias.

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<sup>7</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism

<sup>8</sup> Council of the European Union, Joint statement by the EU home affairs ministers on the recent terrorist attacks in Europe (2020)

<sup>9</sup> Ibid

<sup>10</sup> European Commission against Racism and Intolerance (ECRI), Annual report (2018)

<sup>11</sup> EUROPOL, European Union - Terrorism Situation and Trend report (2022)



EUROPOL then distinguishes between seven types of terrorism that are based on ideological movements: jihadist terrorism, right-wing terrorism, left-wing, anarchist terrorism, ethno-nationalist, separatist terrorism and other types of terrorism.

The report highlights that, in 2021:

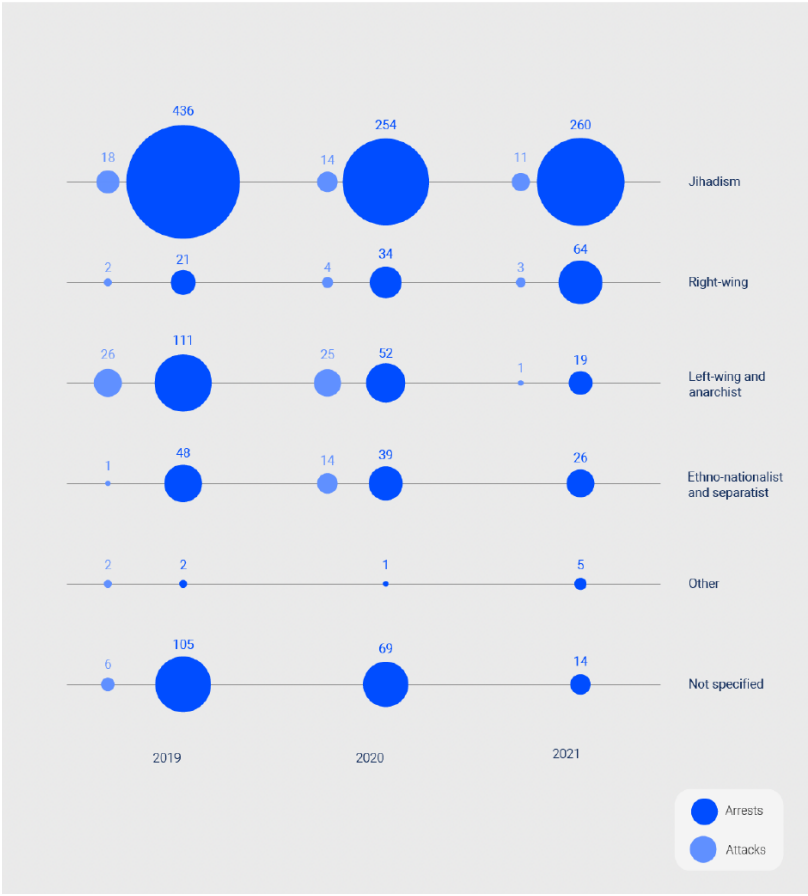
*“France experienced the highest number of attacks (5), followed by Germany (3) and Sweden (2). Austria, Denmark, Hungary, Belgium and Spain reported one attack each. Most reported terrorist attacks were categorized as jihadist terrorism (11).”*

*There continues to be low numbers of completed, foiled and failed right-wing terrorist attacks. The total of three attacks in 2021 was comparable to the attacks reported in 2020 (4) and in 2019 (2). In 2021, Member States did not report any completed rightwing attacks, while two attacks were thwarted in Sweden and Austria, and one attack failed in Belgium.*

*Left-wing and anarchist terrorist attacks in the EU sharply decreased in 2021. Only one completed attack was reported by Germany (no foiled or failed left-wing attacks were reported in 2021) compared to the 25 attacks in 2020 and the 26 attacks in*

*2019 reported by Member States. The difference in numbers across the last three years can be attributed to a change in classification of incidents by some Member States from terrorist to extremist attacks. In 2021, no completed, foiled or failed ethno-nationalist and separatist attacks were reported by Member States, while one such attack was confirmed in 2019 and 14 attacks were confirmed in 2020.”*

**Terrorist attacks (completed, foiled, failed) and arrests on suspicion of terrorism in the EU per type of terrorism, 2019-2021**



This EUROPOL diagram presents the number of terrorist attacks in Europe between 2019 and 2021 in comparison to the number



of arrests.<sup>12</sup> We can observe that a higher number of left-wing attacks were reported in 2019 and 2020, whereas a significant higher number of arrests related to jihadism have been declared.

Also, for an equal number of attacks in 2020, 254 persons were arrested with links with jihadism compared to 39 with links with ethno-nationalism and separatism.

The highest number of arrests related to jihadism took place in France.

In 2022, Terrorism persisted as a significant threat to EU Member States. 28 completed, failed or foiled attacks were recorded in the EU. 16 attacks were completed, of which the majority were attributed to left-wing and anarchist terrorism (13), two to jihadist terrorism, and one to right-wing terrorism. 380 individuals were arrested by EU Member States' law enforcement authorities in 2022 for terrorism-related offences. Most of the arrests were carried out following investigations into jihadist terrorism, in France (93), Spain (46), Germany (30) and Belgium (22).<sup>13</sup>

### **III. Existing participatory mechanisms on forms of engagement of civil society in PVE programs in Europe**

The European Union and the United Nations have deepened their cooperation on Counterterrorism programs.<sup>14</sup>

The European Civil Society Empowerment Program (CSEP) has been created in 2015 under the umbrella of the EU Internet Forum. As part of this program, since December 2018, the European Commission has funded numerous campaign projects to promote alternative narratives and to empower credible voices. Civil society organizations are developing campaigns to counter polarization and radicalization online.

EUROPOL created the European Counter Terrorism Centre (ECTC) in 2016. The purpose of this Center is to ensure a European response to counter-terrorism strategy at the European level in providing an exchange of information and cross-border cooperation.

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<sup>12</sup> EUROPOL, European Union - Terrorism Situation and Trend report (2022)

<sup>13</sup> EUROPOL, European Union - Terrorism Situation and Trend report (2023) < <https://www.europol.europa.eu/cms/sites/default/files/documents/TE-SAT%202023%20-%20Executive%20Summary.pdf> >

<sup>14</sup> European Union, EU and UN deepen cooperation on Counter-Terrorism, 8<sup>th</sup> April 2022 < [https://www.eeas.europa.eu/eeas/eu-and-un-deepen-cooperation-counter-terrorism\\_en](https://www.eeas.europa.eu/eeas/eu-and-un-deepen-cooperation-counter-terrorism_en) >



However, given the distinctive nature of the relationship between Europe as a whole, including European countries, and the UN, the execution of UN programs in Europe differs from other continents. Indeed, the influence of UN programs and decisions is more prominent at the diplomatic level than the on-the-ground impact.



## **PART II – Situational analysis of the impact of counter-terrorism legal framework on civil society in Europe**

Throughout this section and for the purpose of this analysis, we will be specifically focusing on four countries (France, Belgium, Spain and Austria) in order to illustrate and describe different examples of European policies in countering terrorism.

### **I. France**

#### *i. Overview of domestic legal provisions on counterterrorism and PVE policies*

In France, after the 2015 attacks, the French government declared a State of Emergency allowing the authorities to take extraordinary measures to prevent terrorist attacks. The State of Emergency allowed judicial authorities to remove safeguards within criminal proceedings. For example, it was then possible to search homes and detain suspects without a specific warrant but only based on suspicions.<sup>15</sup>

In 2017, the Strengthening Homeland Security and Counter-terrorism Act “SILT” law<sup>16</sup> was adopted. This law allowed French authorities to use administrative control measures on individuals against whom French authorities would have a suspicion of terrorism acts. Assigned residence orders under the SILT law can be applied “*for the sole purpose of preventing the commission of terrorist acts, where there are serious reasons to believe that the individual’s behavior constitutes a serious threat for security and public order*”<sup>17</sup>

The adoption of a specific legal framework and national plans dedicated to counter-terrorism in France empowered state officials to close mosques, search and raid homes and detain individuals under residency orders without legal evidence based on a “*threat to public order and security*”.<sup>18</sup>

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<sup>15</sup> European Network Against Racism, SUSPICION, DISCRIMINATION AND SURVEILLANCE: The impact of counter-terrorism law and policy on racialised groups at risk of racism in Europe (2021)

<sup>16</sup> Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme

<sup>17</sup> Amnesty International, PUNITIONS SANS PROCÈS - L'utilisation de mesures de contrôle administratif dans le contexte de la lutte contre le terrorisme en France (2018)

<sup>18</sup> European Network Against Racism, SUSPICION, DISCRIMINATION AND SURVEILLANCE: The impact of counter-terrorism law and policy on racialised groups at risk of racism in Europe (2021)





The application of this legal framework led to numerous examples of racist insults<sup>19</sup>, threats and unnecessary damage to properties.<sup>20</sup>

*ii. Engagement in global UNCT efforts*

In 2018, France received the visit of Fionnuala D. Ní Aoláin, the Special Rapporteur on the promotion and protection of Human Rights and fundamental freedom while countering terrorism, who made positive observations on France's program on terrorism.

However, she also expressed her views on several issues in the field of human rights. In particular, she highlighted recommendations regarding the state of emergency, new administrative measures, judicial and non-judicial review of counter-terrorism measures to combat terrorism, the right to due process in the context of administrative measures, the offence of apology for terrorism in itself, the protection of freedom of expression, and overly broad definitions of what constitutes a terrorist offence. **She expressed concerns about racial and religious profiling in the context of the fight against terrorism**, which has a profound impact on the exercise of certain rights by minorities and on the compliance with human rights standards.<sup>21</sup>

These views on Vulnerabilities & Intersecting Forms of Discrimination have been referred to in the Global study on Counter-terrorism and civic spaces.<sup>22</sup>

At the international level, France is currently a member of the Commission on Crime Prevention and Criminal Justice (CCPCJ) within UNODC. It plays an active part in the work of the commission and working groups, especially on terrorism programs. As a State party to the Palermo Convention, France also plays a role in the work set up under this convention.

France supports UNODC activities through voluntary contributions. In 2022, these amounted to more than €3 million, making France one of the UNODC's top 15 donor countries.

French contributions to the UNODC in 2022 came from the French Ministry of Europe and Foreign Affairs and the French Inter-ministerial Mission for the Fight against Drugs and

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<sup>19</sup> Franceinfo, "Là, c'est pire que d'habitude" : face à la hausse des actes islamophobes, les musulmans de France entre peur et résignation (2023) < [https://www.francetvinfo.fr/societe/islamophobie/la-c-est-pire-que-d-habitude-face-a-la-hausse-des-actes-islamophobes-les-musulmans-de-france-entre-peur-et-resignation\\_6222585.html](https://www.francetvinfo.fr/societe/islamophobie/la-c-est-pire-que-d-habitude-face-a-la-hausse-des-actes-islamophobes-les-musulmans-de-france-entre-peur-et-resignation_6222585.html) >

<sup>20</sup> Mediapart, Mosquées attaquées : cette série noire que l'État ne veut pas voir (2023) < <https://www.mediapart.fr/journal/france/280423/mosquees-attaquees-cette-serie-noire-que-l-etat-ne-veut-pas-voir> >

<sup>21</sup> Rapport de la Rapporteuse spéciale sur la promotion et la protection des droits de l'homme et des libertés fondamentales dans la lutte antiterroriste < <https://documents.un.org/doc/undoc/gen/g19/134/00/pdf/g1913400.pdf?token=zropdTpiaxvSEGQWTW&fe=true> >

<sup>22</sup> Global study on Counter-terrorism and civic spaces



Addictive Behaviors. These funds have been used to finance actions in line with the UNODC's mandates, with particular emphasis on the fight against environmental crime.<sup>23</sup>

In 2022, France contributed 300,000 euros – as its first contribution – to support the work of the United Nations Office of Counterterrorism (UNOCT) in order to counter the financing of terrorism.

*iii. Latest domestic developments in lights of recent events*

→ **Far-right extremism in France**

In recent years, there has been a multiplication of far-right attacks projects in France, an intensification of violent attacks with weapons, and an increase in the number of individuals claiming to be members of violent far-right groups.

The far-right group “Génération identitaire” has been dissolved on the 3<sup>rd</sup> of March 2021.<sup>24</sup> However, many other far-right groups have continued their activities despite their radicalization and the increasing number of members of each group.

Among them: Action Française, Patria Albige, Strasbourg Offenders, Pitbull Paris, Vandal Besak, the variety of militant descendants of the GUD ("Groupe Union Defense").

The far rights groups are mainly paramilitary groups and promote violence and racism theories mainly against Muslim communities and foreigners.

Amongst attacks provoked by far-right extremism and racism in France, the most edifying occurred in Paris on 23<sup>rd</sup> of December 2022 when a far-right militant targeted a Kurdish activist within a cultural center in center of Paris with racist motive.<sup>25</sup> Three persons were killed and four were injured.

Numerous other attacks provoked by far-right extremism took place between 2021 and 2023, including in March 2022 when Loïk Le Priol, a former GUD activist, killed the Argentinian Rugby man Federico Martin Aramburú. He has been convicted to 2 years of

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<sup>23</sup> UNODC < [<sup>24</sup> Le Monde, La dissolution de Génération identitaire confirmée par le Conseil d'Etat \(2021\) < \[>\]\(https://www.lemonde.fr/politique/article/2021/05/04/le-conseil-d-etat-confirme-la-dissolution-de-generation-identitaire\_6079089\_823448.html\)](https://onu-vienne.delegfrance.org/ONUDC-885#:~:text=La%20France%20soutient%20les%20activités,pays%20donateurs%20de%20l%27ONUDC.></a></p></div><div data-bbox=)

<sup>25</sup> Libération, Attaque contre des Kurdes à Paris : le suspect mis en examen, 26 décembre 2022 < [https://www.liberation.fr/societe/police-justice/attaque-contre-des-kurdes-a-paris-le-suspect-mis-en-examen-20221226\\_5NHYA2HHCZC5JNMYDLOCA5WQNI/](https://www.liberation.fr/societe/police-justice/attaque-contre-des-kurdes-a-paris-le-suspect-mis-en-examen-20221226_5NHYA2HHCZC5JNMYDLOCA5WQNI/) >



prison in June 2022.<sup>26</sup> Other episodes of violence occurred in Romans-sur-Isère during an incident involving members of the far-right.<sup>27</sup>

Finally, in 2022, the initial and most apparent responses to Russia's aggressive war against Ukraine were observed in the early months of the conflict, primarily within the far-right groups. This appeared through online posts and some individuals affiliated with right-wing extremism venturing to join the battlefield. While interest in the war within those groups seem to have decreased along 2022, the dissemination of disinformation and distorted narratives linked to the conflict could potentially continue to fuel terrorist and violent extremist narratives.<sup>28</sup>

### → **The fight against “separatism” and the closing of cult spaces and CSOs organizations**

#### ***Definition***

First and foremost, we are due to give a definition of what is called “separatism” by the French administration.

Under French interpretation, “separatism” is defined as:

*“The action of destroying or weakening the national community with a view to replacing it with new forms of allegiance and identification that break with the democratic and republican tradition. Separatism is based on an ideological approach designed to cut the individual citizen off from his or her national framework. It asserts itself against the nation as a source of collective identity, by establishing definitive barriers between individuals and groups.”<sup>29</sup>*

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<sup>26</sup> Marianne, Ultra-droite : deux ans de prison ferme pour Loïk Le Priol, ancien du GUD, 29 June 2022 < <https://www.marianne.net/societe/police-et-justice/ultra-droite-deux-ans-de-prison-ferme-pour-loik-le-priol-ancien-du-gud> >

<sup>27</sup> France info, Mort de Thomas à Crépol : ce que l'on sait des violences survenues à Romans-sur-Isère lors d'une action de membres de l'ultradroite < [https://www.francetvinfo.fr/faits-divers/meurtre-de-thomas-a-crepol/mort-de-thomas-a-crepol-ce-que-l-on-sait-des-violences-survenues-a-romans-sur-isere-lors-d-une-action-de-membres-de-l-ultradroite\\_6207492.html](https://www.francetvinfo.fr/faits-divers/meurtre-de-thomas-a-crepol/mort-de-thomas-a-crepol-ce-que-l-on-sait-des-violences-survenues-a-romans-sur-isere-lors-d-une-action-de-membres-de-l-ultradroite_6207492.html) >

<sup>28</sup> EUROPOL, European Union - Terrorism Situation and Trend report (2023) < <https://www.europol.europa.eu/cms/sites/default/files/documents/TE-SAT%202023%20-%20Executive%20Summary.pdf> >

<sup>29</sup> Comité interministériel de prévention de la délinquance et de la radicalisation, La stratégie gouvernementale pour lutter contre le séparatisme et les atteintes à la citoyenneté < [Page 11 sur 26](https://www.cipdr.gouv.fr/islamisme-et-separatisme/#:~:text=Le%20séparatisme%20s'appuie%20sur,les%20individus%20et%20les%20groupes.></a> ></p></div><div data-bbox=)



This refers to all actions aimed at *“preventing, hindering and curbing separatist proposals, and stemming the spread of political or politico-religious doctrines that are conflicting with the republican pact.”*

However, the word “separatism” has historical significance.

First, is it coming from a religious background. In the United Kingdom, during the reign of Henry VIII in the 16th century, the term "separatists" was used to describe those who sought to separate from the Church of England, which Henry VIII established after breaking away from the Catholic Church.

In France, during the Cold War era, particularly under the leadership of General Charles de Gaulle, the term "separatists" resurfaced to describe individuals or groups advocating for separation or independence, particularly in the context of the communist movement. De Gaulle's government used this term to label communist supporters and movements that were perceived as a threat to the unity of the French state.<sup>30</sup>

It reappeared in France in 2021 when President Emmanuel Macron referred to it during his speech on the 150th anniversary of the Republic on 2 October 2020. The purpose at the time was *“to provide responses to the withdrawal of communities and the development of radical Islamism, by reinforcing respect for republican principles and amending the laws on religious worship.”*<sup>31</sup>

### **Consequences**

In August 2021, the new “Separatism” Law<sup>32</sup> was voted. It allows the closure of cult spaces based on what is considered as hate speech. It also permits stronger control over religious groups' finances and facilitates associations' administrative dissolution. In particular, the Separatism law provides interdictions and misdemeanors for the violations of what is called “the religious police”.

The 2021 anti-terrorism bill<sup>33</sup> then allowed the authorities to close the premises dependent on the cult spaces whose closure is ordered and for which there are serious reasons to believe that they would be used for the same purposes.

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<sup>30</sup> France Inter, Le vocabulaire du séparatisme (2021) < <https://www.radiofrance.fr/franceinter/podcasts/le-vif-de-l-histoire/le-vocabulaire-du-separatisme-2320396> >

<sup>31</sup> Vie-publique.fr, Loi du 24 août 2021 confortant le respect des principes de la République < <https://www.vie-publique.fr/loi/277621-loi-separatisme-respect-des-principes-de-la-republique-24-aout-2021> >

<sup>32</sup> Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République

<sup>33</sup> Article 3, Loi n° 2021-998 du 30 juillet 2021 relative à la prévention d'actes de terrorisme et au renseignement



As a direct consequence, numerous mosques and so called “separatist” associations have been closed in France based on the previous legal framework, as well as the 2017 SILT Law that allows the administration to close cult spaces without a prior court decision.

In particular, the following are punishable<sup>34</sup>:

- the fact that a minister of a religion (priest, imam, rabbi, etc.) in a place of worship offends or defames a person in charge of a public service (up to one year's imprisonment and/or a fine of 3,750 euros);
- preventing, delaying or interrupting celebrations in a place of worship by "disturbances or disorder" (up to one year's imprisonment and a fine of 15,000 euros);
- holding political meetings or electoral operations in places of worship (up to one year's imprisonment and a fine of up to EUR 15 000);
- pressuring a person to practice or refrain from practicing a religion (up to three years' imprisonment and a fine of 45,000 euros in the case of violence);
- public incitement to discrimination, hatred or violence against a person or group of persons in or near a place of worship (up to three years' imprisonment and a fine of up to EUR 75 000);
- provocation by a minister of religion in or near a place of worship aimed at challenging or questioning the laws of the Republic in the name of religious principles (up to five years' imprisonment and a fine of 75,000 euros).

The French Ministry of Interior announced that since 2018, a total of 20 000 checks have been carried out in the fight against Islamic separatism, leading to 700 closures since the beginning of Emmanuel Macron's mandate.<sup>35</sup>

These closures affected mosques as well as schools and associations. The targeted establishments were affected by raids, home searches, and financial barriers (closing of bank accounts, freezing of accounts).

For example, among others, the Paris MHS high school has been closed in the context of an audit that aimed to "verify safety standards" but after a press release from the judicial authorities stating that they witnessed some “irregularities” linked with “separatism”,

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<sup>34</sup> Vie-publique.fr, Quelles sont les sanctions en cas de violation à la police des cultes ? < <https://www.vie-publique.fr/eclairage/285494-laicite-la-police-des-cultes-depuis-la-loi-separatisme> >

<sup>35</sup> Libération, Que sait-on des 718 établissements fermés pour « séparatisme » depuis le début du quinquennat ? 21 avril 2022, < [https://www.liberation.fr/checknews/que-sait-on-des-718-etablissements-fermes-pour-separatisme-depuis-le-debut-du-quinquennat-20220421\\_IRBNA4Z4NFCZDD4ZCB7SEWKMRQ/](https://www.liberation.fr/checknews/que-sait-on-des-718-etablissements-fermes-pour-separatisme-depuis-le-debut-du-quinquennat-20220421_IRBNA4Z4NFCZDD4ZCB7SEWKMRQ/) >



including the alleged presence of two persons of foreign nationality working as teachers without authorization.<sup>36</sup>

The closing of mosques mostly followed declarations by imams or people close to the mosque that were considered sexist, anti-Semitic, homophobic, or anti-republican.

French authorities also proceeded to the expulsion of religious figures who were not of French citizenship. For example, the case of Imam Hassan Iquioussen is the most edifying. Imam Iquioussen, who is a Moroccan national but was born in France, made public comments several years ago on social media which were considered by French administration as hate speech. These comments have been taken as a basis to proceed with his expulsion from French territory.

The High Administrative Court considered that Imam Iquioussen *"has for several years been engaging in conspiracy theorizing and victimizing Muslims, with statements inciting hatred and violence against certain individuals, particularly of an anti-Semitic nature, and discriminating against women, characterizing a discourse that is contrary to the values of the Republic, calling for separatism, and contributing, thanks to the large audience he has on the Internet, to the propagation of extremist ideas that undermine national cohesion [...] the contested decisions do not constitute disproportionate measures with regard to the considerations of public order and thus do not infringe on his private and family life, since his children, who are French nationals, are adults, and he himself is not employed and does not demonstrate that he is deprived of all ties to Morocco, where his wife, who is not devoid of all ties to that country, can go and follow him"*<sup>37</sup>

In 2020, secular schools, who have been teaching Arabic language to children have been closed on the basis of lack of security and fight against religious extremism.<sup>38</sup>

The same year, one of the main association fighting against Islamophobia in France and defending Muslim's communities' rights has been closed on the basis of Article L. 212-1 of the Internal Security Code.<sup>39</sup> This article allows the dissolution of groups that *"provoke discrimination, hatred or violence against a person or group of persons on the grounds of their origin (...) or their actual or supposed membership of a particular ethnic group, nation,*

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<sup>36</sup> L'Obs, La fermeture de l'école MHS à Paris entraîne des incompréhensions, 11 décembre 2020 < <https://www.nouvelobs.com/education/20201211.OBS37402/la-fermeture-de-l-ecole-mhs-a-paris-entraîne-des-incompréhensions.html> >

<sup>37</sup> Conseil d'État, Décision n° 466554, 30 août 2022

<sup>38</sup> Le Parisien, Bobigny : une école clandestine accueillant des dizaines d'enfants fermée, 8 October 2020 < <https://www.leparisien.fr/seine-saint-denis-93/bobigny-une-ecole-clandestine-accueillant-des-dizaines-d-enfants-fermee-08-10-2020-8399259.php> >

<sup>39</sup> Le Monde, Le Conseil d'Etat valide la dissolution du CCIF et de BarakaCity, 25 september 2021 < [https://www.lemonde.fr/societe/article/2021/09/25/le-conseil-d-etat-valide-la-dissolution-du-ccif-et-de-barakacity\\_6095981\\_3224.html](https://www.lemonde.fr/societe/article/2021/09/25/le-conseil-d-etat-valide-la-dissolution-du-ccif-et-de-barakacity_6095981_3224.html) >



*alleged race or religion, or propagate ideas or theories tending to justify or encourage such discrimination, hatred or violence", or those that "engage (...) in acts with a view to provoking acts of terrorism".<sup>40</sup>*

This dissolution has been followed by the closure of another French association named Baraka City based on suspicions of ties to the "radical Islamist movement" and its "reveling in justifying terrorist acts".<sup>41</sup>

iv. *Level of civil society engagement*

→ **The debate surrounding the classification of acts of terrorism as a central focus of current discussions.**

The issue of qualifying certain types of acts as terrorism takes center stage in ongoing debates. Since October 2023, following the Israeli-Palestinian conflict, France has witnessed a surge in prosecutions for apology of terrorism. Numerous public and political figures expressing their views on the conflict have faced legal action for apology of terrorism.

At first, leftist leader Philippe POUTOU became the subject of an investigation after his party released a statement stating: "*This time, the offensive is on the side of resistance*".<sup>42</sup>

Subsequently, Member of Parliament Danielle OBONO was investigated for apology of terrorism following a media statement in which she characterized Hamas as a resistance movement.<sup>43</sup> Then, leaders of the primary workers' union in France have also been prosecuted on the same legal basis.<sup>44</sup>

Finally, Minors as young as 15 have also faced charges of apology for terrorism for posting messages on social media.<sup>45</sup>

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<sup>40</sup> Legifrance, Article L. 212-1 of the Internal Security Code < [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000043982161](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043982161) >

<sup>41</sup> Middle East Eye, France dissolves Muslim NGO BarakaCity, 28 october 2020 < <https://www.middleeasteye.net/news/france-barakacity-muslim-ngo-dissolution-crackdown> >

<sup>42</sup> France Bleu, Qualifié de "porte-parole du Hamas en France", Philippe Poutou accusé d'apologie du terrorisme < <https://www.francebleu.fr/infos/politique/qualifie-de-porte-parole-du-hamas-en-france-philippe-poutou-et-le-npa-accuses-d-apologie-du-terrorisme-3908118> >

<sup>43</sup> Lematin.ch, Une députée poursuivie pour «apologie du terrorisme» < <https://www.lematin.ch/story/france-une-deputee-poursuivie-pour-apologie-du-terrorisme-935022512185> >

<sup>44</sup> Le Figaro, Deux responsables de la CGT arrêtés pour « apologie du terrorisme » < <https://www.lefigaro.fr/actualite-france/deux-responsables-de-la-cgt-arretes-pour-apologie-du-terrorisme-20231020> >

<sup>45</sup> Franceinfo, Guerre Israël-Hamas : 3 jeunes de 15 ans poursuivis pour "apologie du terrorisme" < <https://france3-regions.francetvinfo.fr/occitanie/haute-garonne/toulouse/guerre-israel-hamas-3-jeunes-de-15-ans-poursuivis-pour-apologie-du-terrorisme-2858231.html> >



These prosecutions have faced widespread criticism in the French media, sparking numerous debates on the very qualification of apology for terrorism against freedom of speech. For instance, procedures have been initiated against pro-Palestinian protesters following a speech made during a demonstration<sup>46</sup> or through messages on social media<sup>47</sup>.

## II. Belgium

### *i. Overview of domestic legal provisions on counterterrorism and PVE policies*

Belgian authorities have adopted a high number of counterterrorism measures since the year 2015. They have created a National Security Council and have adopted numerous security measures to complete the legal and institutional framework on counterterrorism and especially on border security, prevention of radicalization, rehabilitation, and reintegration measures.<sup>48</sup>

In order to prevent radicalization and violent extremism, a Radicalism Action Plan (Plan R) was drawn up in 2006 and has been revised and updated since then.

In 2021, the National Strategy Against Terrorism and Extremism<sup>49</sup> replaced Plan R to combine a preventive, administrative and judicial approach with an approach focusing on social reintegration.<sup>50</sup>

This plan provides cooperation between local security cells set up by municipalities who serve as platforms for cooperation and information exchange between local authorities and security actors as well as local prevention actors, with the aim to prevent the commission of terrorist offences by addressing signs of radicalization.

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<sup>46</sup> Le JDD, Montpellier : le préfet saisit la justice pour « apologie du terrorisme » à la suite des manifestations pro-Palestine < <https://www.lejdd.fr/societe/montpellier-le-prefet-saisit-la-justice-pour-apologie-du-terrorisme-la-suite-des-manifestations-pro-palestine-139448> >

<sup>47</sup> Le JDD, « Apologie du terrorisme » : Gérald Darmanin saisit la justice après des publications de groupes pro-palestiniens < <https://www.lejdd.fr/politique/apologie-du-terrorisme-gerald-darmanin-saisit-la-justice-apres-des-publications-de-groupes-pro-palestiniens-138954> >

<sup>48</sup> Royaume de Belgique, Lutte contre le terrorisme < <https://diplomatie.belgium.be/fr/politique/themes-politiques/paix-et-securite/terrorisme/lutte-contre-le-terrorisme> >

<sup>49</sup> CUTA, The Strategic Note Extremism and Terrorism (Strategy T.E.R.) < <https://cuta.belgium.be/action-plan-against-radicalism-plan-r/> >

<sup>50</sup> Royaume de Belgique, Lutte contre le terrorisme < <https://diplomatie.belgium.be/fr/politique/themes-politiques/paix-et-securite/terrorisme/lutte-contre-le-terrorisme> >





ii. *Engagement in global UNCT efforts*

Belgium also participates to the international cooperation programs fighting against terrorism within the European Union as well as at the international level.

Belgium supports activities and projects such as the UN Secretary General's Action Plan to Prevent Violent Extremism as well as the initiatives of the United Nations Office on Drugs and Crime, Terrorism Prevention Branch (UNODC, TPB) and the United Nations Counterterrorism Committee Executive Directorate (CTED).

In 2019, Belgium donated 285 000 euros to the The United Nations Trust Fund for Counter-Terrorism<sup>51</sup> and received the visit of Fionnuala D. Ní Aoláin, the Special Rapporteur on the promotion and protection of Human Rights and fundamental freedom while countering terrorism. Her report highlighted numerous Human rights challenges which led to the following recommendations:

*“the need to set up an independent, adequately resourced, overarching expert oversight body to undertake review of the overall operation of counter-terrorism and national security powers, laws and policies; the importance of establishing an independent national human rights institution; the elimination of persistent barriers to the realization of victims’ human rights; policies and programmes aimed at preventing violent extremism; practices of subjecting persons deprived of their liberty to individual security regimes or measures, placing them in “D-Rad:Ex” (deradicalization) wings or flagging them for showing signs of radicalization, as well as implementing specialized and individually tailored disengagement and reintegration programs in prisons; oversight and human rights-compliant management of databases, citizenship stripping and national security expulsions; and the human rights-compliant management of returnees, including children.”<sup>52</sup>*

Belgium was also subjected to a 2021-2022 review by a group of CTED experts to monitor Belgium's implementation of UN counter-terrorism resolutions and assessing Belgian counter-terrorism policy.

Belgium highlighted the progress made on the legislative front and in the prevention and victim support.

Another priority for Belgium highlighted to the CTED as a good practice during the visit was the "whole of government approach", i.e., good cooperation and coordination

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<sup>51</sup> <https://www.un.org/counterterrorism/funding-and-donors>

<sup>52</sup> Visit to Belgium - Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 2019 < <https://www.ohchr.org/en/documents/country-reports/ahrc4052add5-visit-belgium-report-special-rapporteur-promotion-and> >



between federal authorities, federated entities, specialized agencies, and local authorities.<sup>53</sup>

*iii. Latest domestic developments in lights of recent events*

Belgium still has some efforts to do regarding the side effects of counter-terrorism policies and the prevention of radicalization programs.

In fact, the purpose of the TER plan was to expand the preventive part of the fight against terrorism through the cooperation between state and local actors.

However, the main consequence of the PVE strategy has been to target specific persons at a very early stage. In fact, the system has been built on the fact that every actor can share information about a specific person based on any doubt of radicalization.

As a result, recent research done with municipalities in Belgium has confirmed suspicions that the recognizing of signs of radicalization seem to be more or less exclusive to “Islamic radicalization” (VVSG Rapport 2022).<sup>54</sup>

The main consequence of the latter is the difficulty for actors on the field to recognize other forms of radicalization, such as far-right extremism.

Following the report and sharing of information, Belgium has put in place databases that are managed by police and security services. Every person who is suspected to have a radicalized behavior, committed to a specific association, or participated to a protest would be subject to be part of this database.

To be part of such a database can lead to numerous and serious consequences such as losing employment, being unable to travel, closing of bank accounts, deportation from Belgium and excessive police control.

Most of the time, people are reported on those databases because of their commitment in an association. This leads to be a strong restriction on their freedom of association and on their freedom to join any association.<sup>55</sup>

In 2023, the Coordination Body for Threat Analysis (OCAD), responsible for processing pertinent information and intelligence related to terrorism, extremism, and problematic radicalization, released the 'Strategic Note: Extremism and Terrorism' (Strategy T.E.R.).<sup>56</sup>

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<sup>53</sup> Kingdom of Belgium, UN gives positive assessment of Belgium's progress in preventing and combating terrorism, 2022 < <https://diplomatie.belgium.be/en/un-gives-positive-assessment-belgiums-progress-preventing-and-combating-terrorism> >

<sup>54</sup> CCIE Europe, Rapport annuel sur l'islamophobie en Europe pour l'année 2022

<sup>55</sup> *Ibid*

<sup>56</sup> 'Strategic Note: Extremism and Terrorism' (Strategy T.E.R.) < [https://ocad.belgium.be/wp-content/uploads/2023/10/Strategic-Note-Extremism-and-Terrorisme\\_WEB.pdf](https://ocad.belgium.be/wp-content/uploads/2023/10/Strategic-Note-Extremism-and-Terrorisme_WEB.pdf) >



As such, Plan R has evolved into a plan for a multidisciplinary approach, with articulations at all Belgian policy levels and close cooperation between all the actors involved<sup>57</sup>, including federal public services (such as the Federal Public Service for Home Affairs, the Federal Public Service for Finance, the Federal Public Service for Justice, ...), along with the Communities and Regions (including the Youth Assistance Service, Justice Houses, ...), and numerous local actors such as cities and municipalities, as well as socio-preventive services.<sup>58</sup>

As outlined in the T.E.R Strategy, there has been a shift in focus from a narrow perspective on terrorism to a more comprehensive approach that emphasizes preventing violent extremism (PVE) and countering violent extremism (CVE). Thus, they have implemented a multidisciplinary approach which translates into platforms for information exchange that use an individualized approach based.<sup>59</sup>

### III. Spain

#### *i. Historical roots, the evolution of terrorist threat and the subsequent adopted legislation and policy*

Spain's legislation on terrorism is historically rooted in the fight against the Basque nationalist and far-leftist group Euskadi Ta Askatasuna (ETA).

Spain adopted its first Comprehensive Strategy Against International Terrorism and Radicalization in 2014 which transformed into the National Counter-terrorism Strategy in 2019.

Spain's 2015 turning point also appeared with the creation of the National Plan to Fight Violent Radicalization (PEN-LCRV) which provides for an early detection of radicalization and to focus on communities, groups, or individuals at risk or vulnerable.<sup>60</sup>

It created a vast number of pre-crime offenses in relation to preventing radicalization.

Investigation, police control, and administrative measures have increased, and experts noticed a lack of definition for the offense created by the anti-terrorism law called “glorification of terrorism.” Amnesty International has reported that “*an exponential*

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<sup>57</sup> The Strategic Note Extremism and Terrorism (Strategy T.E.R.) < <https://cuta.belgium.be/the-strategic-note-extremism-and-terrorism-strategy-t-e-r/> >

<sup>58</sup> Plan R, une approche pluridisciplinaire < <https://ocam.belgium.be/wp-content/uploads/2020/09/Plan-R-et-la-BDC.pdf> >

<sup>59</sup> *Ibid*

<sup>60</sup> European Network Against Racism, SUSPICION, DISCRIMINATION AND SURVEILLANCE: The impact of counter-terrorism law and policy on racialised groups at risk of racism in Europe



*increase in the number of people falling foul of a draconian law banning the “glorification of terrorism” or “humiliating victims of terrorism” is part of a sustained attack on freedom of expression in Spain.”*<sup>61</sup>

The Commissioner for Human Rights of Council of Europe has raised concerns to Spanish authorities and invited them to amend the Criminal Code to “*strengthen existing safeguards of the right to freedom of expression and facilitate the work of Spanish courts in making decisions in full line with Article 10 of the European Convention on Human Rights.*”<sup>62</sup>

In fact, it has been noted that the number of criminal convictions related to the so-called “glorification of terrorism” and especially against artists for controversial lyrics, artistic performances, and posts on social media has grown.<sup>63</sup>

The HR Commissioner has expressed grave concerns about the consequences of the anti-terrorism law on freedom of speech and about the lack of clear and specific definition of the “glorification of terrorism”.

In October 2023, Spain has boosted security measures at sensitive points and redoubled counterterrorism efforts, as other European countries said they faced an increase in extremist threats amid rising tensions in the Middle East.<sup>64</sup>

*ii. Spain positioning at a European and UN level.*

In 2021, Spain served as co-facilitator of the UN Global Counterterrorism Strategy Review.<sup>65</sup>

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<sup>61</sup> Amnesty International, Spain: Counter-terror law used to crush satire and creative expression online (2018) < <https://www.amnesty.org/en/latest/news/2018/03/spain-counter-terror-law-used-to-crush-satire-and-creative-expression-online/> >

<sup>62</sup> Council of Europe, Spanish authorities should amend the Criminal Code to strengthen existing safeguards of the right to freedom of expression (2021), < <https://www.coe.int/en/web/commissioner/-/spanish-authorities-should-amend-the-criminal-code-to-strengthen-existing-safeguards-of-the-right-to-freedom-of-expression> >

<sup>63</sup> Amnesty International, Spain: Counter-terror law used to crush satire and creative expression online (2018) < <https://www.amnesty.org/en/latest/news/2018/03/spain-counter-terror-law-used-to-crush-satire-and-creative-expression-online/> >

<sup>64</sup> Reuters, Spain ramps up security measures amid high terror alert < <https://www.reuters.com/world/europe/spain-ramps-up-security-measures-amid-high-terror-alert-2023-10-17/> >

<sup>65</sup> Country Reports on Terrorism 2021: Spain < <https://www.state.gov/reports/country-reports-on-terrorism-2021/spain#:~:text=In%202021%2C%20Spain%20served%20as.military%20and%20police%20training%20missions> >



In 2023, Spain has also hosted an initiative supported by the European Defense Agency aiming at organizing a multinational live exercise bringing together the Counter-Improvised Explosive Devices (C-IED) community. This initiative is named Bison Counter.<sup>66</sup>

The main purpose of this series of live exercises was to “*improve European and Allied C-IED capabilities in their fight against a constantly evolving IED threat in military and counter-terrorism operations, during expeditionary military operations and in countering terrorism within its borders, by enabling the individual EU Member States to act in a more coherent, interoperable, and resilient way*”.<sup>67</sup>

## IV. Austria

### *i. Overview of domestic legal provisions on counterterrorism and PVE policies*

Since 2002, several modifications have been made to the Austrian counter-terrorism legal framework. The 2018 amendment provided by the Criminal Law Amendment Act, implemented the 2014 UN Security Council Resolution 2178 on Foreign Terrorist Fighters, and led to a broader domestic jurisdiction related to terrorism and an extension of offenses related to terrorism, financing terrorism, and “traveling for terrorist purposes”.<sup>68</sup>

On the 1st of September 2021, several amendments to the Federal Law on Counterterrorism were adopted. The amendment related to an aggravating circumstance when committing a crime based on religiously motivated extremism, adding an aggravating circumstance when committing money laundering, amending the provision on money laundering, and implementing a new provision focusing on religiously motivated extremist groups.<sup>69</sup>

### *ii. Engagement in global UNCT efforts*

This 2021 law raised the attention of OHCHR who was concerned about the introduction of “religiously motivated extremist association” as a basis for criminalization and implements a new electronic surveillance system for individuals on condition release.

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<sup>66</sup> EDA’s largest ever counter-IED exercise kicks off in Spain with over 1,000 military personnel < <https://eda.europa.eu/news-and-events/news/2023/11/07/eda-s-largest-ever-counter-ied-exercise-kicks-off-in-spain-with-over-1-000-military-personnel> >

<sup>67</sup> *Ibid*

<sup>68</sup> Observations of the Permanent mission of Austria to the United Nations (2019) < [https://www.un.org/en/ga/sixth/74/int\\_terrorism/austria\\_e.pdf](https://www.un.org/en/ga/sixth/74/int_terrorism/austria_e.pdf) >

<sup>69</sup> EUROPOL, European Union - Terrorism Situation and Trend report (2022)EUROPOL, European Union - Terrorism Situation and Trend report (2022)EUROPOL, European Union - Terrorism Situation and Trend report (2022)



Rapporteurs were particularly concerned that the legislation will result in the infringement of fundamental human rights. In August 2021, a letter was sent to the Austrian government.<sup>70</sup>

The Austrian government replied in January 2022, aiming at reinsure the international community that *“the combat against radicalization and extremism should not be understood as being directed against any particular religion”*.<sup>71</sup>

iii. *Latest domestic developments in lights of recent events*

Human rights associations raised concerns about the violation of the right to freedom of expression, the freedom of association and the right to practice religion through this new legislation, for the following reasons: *“The concept of “religious motivated extremism” is not clearly defined and articulated by the law; the interference with the rights of freedom of religion and freedom of expression goes beyond what is strictly necessary to achieve the objectives pursued; the added value of the new criminal provisions with respect to the objectives pursued is questionable; and there seems to be no justification for the punishment of the founder or leader of an association for a serious illegal act motivated by religious extremism of one of its members.”*<sup>72</sup>

After the 2nd of November 2020 Vienna attack, a massive operation took place on the 9th of November 2020, called the Luxor Operation. The Austrian government carried out its largest police raids in post-war Austria against Muslim citizens of the country. The raids were carried out simultaneously inside 70 homes across four federal states<sup>73</sup> and targeted Muslim community leaders and academics across the country on terrorism suspicions, including financing terrorism.<sup>74</sup> It targeted dozens of individuals, associations, businesses, and foundations. Assets and bank accounts totaling more than 20 million euros were frozen.<sup>75</sup>

Among the targeted persons of the Luxor operation were academic figures who expressed criticism of Austrian policies seen as discriminatory to the Muslim community, including

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<sup>70</sup> OL AUT 2/2021 <

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26590> >

<sup>71</sup> Note Verbale < <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36733> >

<sup>72</sup> European Center for Not-For-Profit Law, Austria: anti-terrorism draft law not in line with Human rights standards and fundamental rights, 2nd February 2021 < <https://ecnl.org/news/austria-anti-terrorism-draft-law-not-line-human-rights-standards-fundamental-rights> >

<sup>73</sup> CAGE, Operation Luxor: Unravelling the myths behind Austria’s largest ever peacetime police raids (2021)

<sup>74</sup> Hyphen, Austrian academic wrongly accused of ‘terrorism’ links speaks out, 8 march 2023 < <https://hyphenonline.com/2023/03/08/austrian-academic-farid-hafez-speaks-out/> >

<sup>75</sup> Farid Hafez, Austria raids: Two years on, Muslim families are still suffering, 29 novembre 2022 < <https://www.middleeasteye.net/opinion/austria-raids-muslim-families-suffering-two-years> >



the closure of mosques and a ban of the hijab.<sup>76</sup> The most edifying is the case of Farid Hafez, an academic who is the founder of the Austrian Muslim Youth Association and best known for the release of the annual report on European Islamophobia.<sup>77</sup>

In November 2021, an appellate court declared 10 cases of the Luxor Operation illegitimate and concluded that related property seizures and confiscations in those cases also were illegal.<sup>78</sup> Two years after the Luxor Operation, the charges against Hafez were dropped.<sup>79</sup>

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<sup>76</sup> Al Jazeera, Austria drops bogus 'terrorism' charges against Muslim academic, 11 January 2023 < <https://www.aljazeera.com/news/2023/1/11/austria-drops-bogus-terrorism-charges-against-muslim-academic> >

<sup>77</sup> European Islamophobia Report < <https://islamophobiareport.com/> >

<sup>78</sup> US Department of State, Country Reports on Terrorism 2021: Austria < <https://www.state.gov/reports/country-reports-on-terrorism-2021/austria> >

<sup>79</sup> Al Jazeera, Austria drops bogus 'terrorism' charges against Muslim academic, 11 January 2023 < <https://www.aljazeera.com/news/2023/1/11/austria-drops-bogus-terrorism-charges-against-muslim-academic> >



## CONCLUSION

In this study, we've delved deeply into the legal frameworks of four prominent European countries engaged in combating terrorism. One observation is that defining terrorism itself poses a significant challenge, requiring careful consideration by each country, especially in light of evolving social and political landscapes.

Moreover, unlike in some other parts of the world, we've found that the United Nations programs on Countering terrorism have a relatively modest impact on Western European countries. Studies conducted by relevant organizations tend to address Western Europe contexts only marginally.

Furthermore, monitoring visits are quite rare, which can lead to various obstacles, especially as discriminations and violations of human rights are increasing.





## Priority areas for future UN engagement

### → Inclusion of a gender perspective in CVE/PVE programs

As the OSCE highlighted, it is highly important to implement a gender perspective in the counterterrorism legal framework and in the Preventing and Countering Violent Extremism and Radicalization's programs.

It has been noted that using a gender perspective in CVE/PVE programs allows to understand the difference between men and women in their approach to extremism and on the different impact it has on them. This allows to study opportunities for women to engage in CVE/PVE programs differently. In fact, when women are made visible in the public space, their empowerment has great impact on their social circles. They also need to be involved in the decision and policy making of CVE/PVE programs and represented in security and law enforcement sectors to ensure representativity and inclusion.<sup>80</sup>

### → Fighting against discrimination and islamophobia in Europe

In Europe, and especially in the context of the studied countries, it appears that the legal framework focuses mainly on the prevention of radicalization related to Islam and Muslim communities, while an increasing number of far-right, ethno-nationalist and leftist extremism has been reported.

In this context, it is necessary to define a clear and specific definition of offenses related to terrorism and to ensure protection of Human Rights and international standards.

In fact, at the national and European level, the high number of legislations on security and prevention of radicalization has had an important impact on civil society and religious freedom in Europe.

### → Strengthening the role of the media in the prevention of radicalization.

The media have had a very important role in the prevention of radicalization. Media also need to be used to prevent instrumentalization of religious communities in Europe. Each country must be very mindful of the use of the media and the report of incidents linked with terrorism.

In fact, biased news reports have a negative impact on targeted communities and leads to intolerance and racism.

The OSCE highlighted that *"capacity-building efforts for media practitioners may focus both on building knowledge of core P/CVERLT principles and terminology, as well as practical guidance on avoiding indirect promotion of violent extremist content, imagery, or messaging"*

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<sup>80</sup> OSCE, The Role of Civil Society in Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Focus on South-Eastern Europe (2018)



*in their reporting, sensationalistic or provocative language, or stigmatization of particular ethnic or religious communities.”<sup>81</sup>*

It has also been reported that the internet and technology remained pivotal enablers of propaganda, as well as radicalization and recruitment of vulnerable individuals into terrorism and violent extremism.

In addition to social media platforms, openly available messaging applications, online forums and video gaming platforms, decentralized platforms appear to have gained popularity in terrorist and violent extremist circles, significantly undermining law enforcement monitoring and investigations.<sup>82</sup>

Finally, social media have also been employed as a surveillance tool by public authorities. For instance, numerous individuals have faced legal action following posts on social media platforms such as Twitter, Instagram, Snapchat, etc. Therefore, achieving a proper balance between repression and freedom of speech on social media becomes crucial.

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<sup>81</sup> *Ibid*

<sup>82</sup> EUROPOL, European Union - Terrorism Situation and Trend report (2023) <  
<https://www.europol.europa.eu/cms/sites/default/files/documents/TE-SAT%202023%20-%20Executive%20Summary.pdf> >

