

RESOLUTION ON

**THE CHALLENGES RELATED TO RETURNING AND
RELOCATING FOREIGN TERRORIST FIGHTERS¹**

1. Condemning in the strongest possible terms terrorism and all terrorist attacks, including those against critical infrastructure and "soft" targets, conducted by returning or relocating foreign terrorist fighters (FTFs) or by other terrorists,
2. Reiterating that terrorism constitutes one of the most serious threats to international peace and security, that any act of terrorism is criminal and unjustifiable, regardless of its motivation, and that terrorism cannot and should not be associated with any race, religion, nationality or civilization,
3. Condemning unequivocally the indiscriminate killing and deliberate targeting of civilians, numerous atrocities, and the persecution of individuals and communities, inter alia on the basis of their religion or belief, by terrorist groups and associated individuals, groups, undertakings and entities,
4. Reaffirming its solidarity with the victims and survivors of terrorism, offering its heartfelt condolences to their families and to the people and governments that have been targeted, and emphasizing the need to promote international solidarity in support of all victims of terrorism and to ensure that they are treated with dignity and respect,
5. Welcoming in this context the discussions and outcomes of the international Conference on Victims of Terrorism in the Sphere of the OSCE Parliamentary Assembly, held in Madrid, Spain, on 15-16 November 2018, which underlined the urgent need to coherently address the complex needs of the victims of terrorism by duly integrating them into comprehensive counterterrorism policies and practices at the national level,
6. Deploring, in the strongest terms, the incitement of terrorist acts and repudiating attempts at the justification or glorification of terrorist acts, which may incite further terrorist acts, while respecting the right to freedom of expression reflected in Article 19 of the Universal Declaration of Human Rights and in Article 19 of the International Covenant on Civil and Political Rights,
7. Underscoring that respect for human rights, fundamental freedoms and the rule of law are complementary to and mutually reinforce effective counterterrorism measures, and are an essential part of a successful counterterrorism effort, and noting the importance of respect for the rule of law so as to effectively prevent and counter terrorism, as well as that the failure to comply with these and other international obligations, including under the Charter of the United Nations, is one of the factors contributing to increasingly radicalized violence, and fosters a sense of impunity,

¹ Resolution on the Challenges Related to Returning and Relocating Foreign Terrorist Fighters of the Luxembourg Declaration and Resolutions, adopted by the OSCE Parliamentary Assembly at the 28th Annual Session, Luxembourg, 4-8 July 2019. <https://www.oscepa.org/documents/annual-sessions/2019-luxembourg/3882-luxembourg-declaration-eng/file>

8. Expressing its grave concern about the terrorist and extremist ideology and actions of terrorist groups, such as ISIL, Al-Qaida and the al-Nusrah Front, and the growing presence of their affiliates around the world involved in the recruitment of FTFs,
9. Underscoring the central role of the United Nations in preventing and countering terrorism and violent extremism, and the need for all States' actions to be conducted in compliance with the UN Charter and all other applicable obligations under international law, including international human rights law, international refugee law and international humanitarian law, as well as relevant UN Security Council Resolutions,
10. Emphasizing the continued relevance of the UN Global Counter-Terrorism Strategy and its balanced implementation by participating States,
11. Reiterating that States bear the primary responsibility for preventing and countering terrorism, and violent extremism and radicalization that lead to terrorism (hereinafter VERLT), while respecting their obligations under international law,
12. Stressing the importance of building whole-of-society resilience to terrorism and VERLT, as well as of fostering the role of civil society in supporting a global campaign against terrorism and the need to further promote public-private partnerships,
13. Underscoring the importance of involving civil society, in particular families, youth, women, victims of terrorism, and religious, cultural and educational leaders, as well as the media and the private sector, including information technology companies, in preventing terrorism and VERLT,
14. Noting with concern the evolving nature of terrorism and violent extremism, which have led to increasing numbers of terrorist attacks in the OSCE area, including attacks by terrorists acting alone or in small cells, as well as the proliferation of the terrorist and violent extremist ideology and narratives that motivate all these acts,
15. Deploring that, despite military defeats in the Middle East, ISIL and Al-Qaeda remain active in conflict-affected zones, and stressing that the threat to our societies remains high, whether from large-scale bombings perpetrated by returning foreign fighters or lone wolf attacks by violent extremists on our streets,
16. Acknowledging that the drivers of terrorism are also changing, with factors related to racism, political extremism, and disenfranchisement in our societies becoming more prominent, and recognizing that addressing the numerous causes of radicalization more effectively becomes imperative,
17. Recognizing the differential impact terrorism and VERLT have on women and children, with particular respect to such matters as violations and abuses of human rights and that they are often directly targeted by terrorist groups, and underlining that their vulnerability should be more central in our policy debates,
18. Noting that religious education is often a key element in the de-radicalization process, offering a perspective over religion which is not linked to violence,

19. Underlining the urgent need to strengthen information-sharing at local, national, regional and international levels, thereby ensuring a timely and reliable exchange of operational data aimed at strengthening our counterterrorism responses in line with human rights and the rule of law,
20. Deploring the use and/or abuse of the Internet and social media for terrorist purposes, including the dissemination of radical and violent ideologies, as well as terrorist recruiting,
21. Drawing attention to the poorly explored multifaceted interlinkage between terrorism and crime, including the recruitment of terrorists from the criminal underworld and the financing of terrorism through the illegal proceeds generated by other criminal activities,
22. Reaffirming our determination and commitment to remain united in preventing and countering terrorism, through increased international co-operation and a sustained and comprehensive approach at all relevant levels, involving the active participation and co-operation of all participating States and relevant international and regional organizations, as well as local communities and civil society,
23. Recalling the definition of FTFs contained in UN Security Council Resolution 2178 (2014), and expressing grave concern, in line with UN Security Council Resolution 2396 (2017), over the acute and growing threat posed by FTFs returning or relocating from/to conflict zones to their countries of origin or nationality, or to other countries,
24. Welcoming the 2015 Guiding Principles on Foreign Terrorist Fighters (Madrid Guiding Principles) and the 2018 Addendum adopted by the United Nations Security Council Counter-Terrorism Committee (UN-CTC) designed as practical tools to assist Member States in stemming the flow of foreign terrorist fighters and implement the requirements of the Security Council Resolutions 2178 (2014) and 2396 (2017),
25. Recognizing that the OSCE participating States may face challenges in obtaining admissible evidence from zones adjacent to the OSCE area where conflicts are ongoing that can be used to help in prosecutions of FTFs and those supporting FTFs,
26. Recalling relevant OSCE commitments and OSCE PA Resolutions adopted in the field of preventing and countering terrorism and VERLT, including the 2018 Resolution on Preventing and Countering Terrorism and Violent Extremisms and Radicalization that Lead to Terrorism, which, inter alia, promotes a whole of-society approach and reaffirms the urgency of fully implementing UN Security Council Resolutions 2396 and 2178 to counter the threat posed by FTFs to the countries of origin, transit and destination,
27. Taking positive note of the dedicated efforts of the 2018 Italian Chair-in-Office of the OSCE in the field of countering and preventing terrorism and VERLT, and particularly in the context of the challenges posed by returning and relocating FTFs,
28. Noting with concern that, despite overwhelming political convergence on the urgent need to effectively counter and prevent terrorism and VERLT, over the last few years the OSCE participating States have been unable to reach consensus to push forward the agenda of the organization in this field through the adoption of new commitments,

29. Underlining that, by leveraging its comparative advantages, the OSCE Parliamentary Assembly is bringing new impetus to the Organization's efforts by creating political momentum for action through policy making, oversight, and convening powers of its participating States,
30. Welcoming the innovative efforts of the OSCE Parliamentary Assembly Ad Hoc Committee on Countering Terrorism aimed at prompting national parliaments to advocate, in a co-ordinated fashion and building on their oversight powers, for the full implementation of critical obligations on border security and information sharing stemming from UN Security Council Resolutions 2178 and 2396 - notably, the establishment of Advance Passenger Information (API), Personal Name Record (PNR) and biometric systems – thereby translating international action to the national level,
31. Commending in this context the goal-oriented partnership established by the OSCE PA with the OSCE executive structures and with relevant UN organs and agencies, including the UN-CTC, its Executive Directorate, the United Nations Office for Counter Terrorism and the United Nations Office on Drugs and Crime, to promote a greater parliamentary engagement in counterterrorism, fully leveraging the strengths of our Assembly,
32. Welcoming the continued efforts of the Ad Hoc Committee on Countering Terrorism to promote the exchange of lessons learned and good practice in countering and preventing terrorism and VERLT in the OSCE region, including through the organization and contribution to various visits, conference and experts events in Albania, Austria, France, Russian Federation, Slovakia, Spain and United States of America,
33. Commending the increased level of co-ordination on counterterrorism of the OSCE PA with other regional parliamentary assemblies, including with the Parliamentary Assembly of the Mediterranean, the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States and the Parliamentary Assembly of the Council of Europe, and taking positive note of the inter-parliamentary exchanges occurred under the auspices of the United Nations, including the framework of the St. Petersburg Conference on Countering International Terrorism on 18 April 2019.

The OSCE Parliamentary Assembly:

34. Urges OSCE participating States to find and bring to justice, extradite or prosecute any person who supports, facilitates, participates or attempts to participate in the direct or indirect financing of terrorist acts, as well as to afford one another the greatest measure of assistance in connection with criminal investigations or proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for proceedings involving FTFs, while respecting human rights and fundamental freedoms, and consistent with obligations under domestic and applicable international law;
35. Urges national parliaments to ensure that their domestic laws and regulations establish serious criminal offences sufficient to provide the ability to prosecute and to penalize the activities of FTFs described in paragraph 6 of UN Security Council Resolution 2178 in a manner duly reflecting the seriousness of the offence;

36. Calls on OSCE participating States to address challenges related to FTFs and accompanying family members by taking appropriate steps to develop legal frameworks to enable prosecution, rehabilitation and reintegration, as well as comprehensive and tailored prosecution, rehabilitation, and reintegration strategies and measures, during and after imprisonment, or as part of non-custodial measures of justice; such strategies and measures should ensure national ownership, be implemented on a case by case basis through a whole-of-society and multidisciplinary approach and address specific concerns, vulnerabilities and needs of men, women and children - including accompanying family members of FTFs - as appropriate;
37. Encourages OSCE participating States to consider providing assistance to women and children associated with FTFs who may be victims of terrorism based on a gender-sensitive and age-sensitive approach, in recognition that women and children returning or relocating from conflict zones may have served in many different roles, including as supporters, facilitators or perpetrators of terrorist acts, and require special focus when developing tailored prosecution, rehabilitation and reintegration strategies;
38. Urges national authorities to treat children formerly associated with FTFs, or who have been forced to travel to conflict zones affected by terrorist attacks, in a manner consistent with their rights, dignity and needs, and to provide timely and appropriate reintegration and rehabilitation assistance to children associated with FTFs, including through access to healthcare, psychological support and education programmes that contribute to the well-being of children;
39. Appeals to OSCE participating States to take appropriate steps to develop and maintain effective, fair, safe, humane, transparent and accountable criminal justice systems compliant with human rights and fundamental freedoms, as well as to ensure effective prison management consistent with applicable international law and national legislation, as a fundamental basis of any strategy to prevent and counter terrorism and VERLT in prisons;
40. Exhorts OSCE participating States to strengthen international law enforcement and judicial co-operation in order to bring terrorists to justice, including by making full use of applicable international instruments to which they are parties as a basis for mutual legal assistance and for extradition in terrorism cases;
41. Invites national authorities to complement law enforcement measures with preventive efforts, while upholding human rights, fundamental freedoms and the rule of law, in order to respond effectively to the challenges presented by relocating and returning FTFs, as well as by terrorists acting alone or in small cells;
42. Urges OSCE participating States to take appropriate steps to prevent and suppress terrorist financing in accordance with the International Convention for the Suppression of the Financing of Terrorism, and to swiftly and effectively implement the Financial Action Task Force's standards;
43. Calls on national authorities to redouble their efforts to prevent the movement of terrorists, in particular FTFs, notably through effective national border controls, the rigorous checking of identity and travel documents, and measures for preventing counterfeiting, forgery or fraudulent use of identity and travel documents;

44. Calls on in this context national authorities to improve border security measures, notably by employing evidence-based risk assessments, screening procedures, and the collection and analysis of travel data, in accordance with domestic and international law, including international human rights law and international humanitarian law, without resorting to any profiling that would be inconsistent with international law;
45. Urges OSCE participating States to establish national API systems, in line with OSCE commitments, as well as with standards and recommended practices developed by the International Civil Aviation Organization (ICAO);
46. Calls on OSCE participating States to ensure that API is analysed by all relevant national authorities, with full respect for human rights and fundamental freedoms, for the purposes of preventing, detecting and investigating terrorist offences and related movement, and to report, as expeditiously as possible, any attempts by terrorists, in particular FTFs, to depart from, enter or transit through their territory, notably by sharing relevant information with the State of residence or nationality and/or the countries of return, transit or relocation, and/or relevant international organizations, as appropriate and in accordance with domestic law and international obligations;
47. Further calls on national authorities to develop the capability to collect, process and analyse PNR data, in line with ICAO standards and recommended practices, and to ensure that PNR data are used by and shared with all relevant national authorities, in conformity with the requirements of Security Council Resolution 2396 (2017) and with full respect for human rights and fundamental freedoms, for the purposes of preventing, detecting and investigating terrorist offences and related travel;
48. Exhorts OSCE participating States to develop and implement systems to collect biometric data in order to responsibly and properly identify terrorists, including FTFs, consistent with domestic law and human rights and fundamental freedoms;
49. Appeals to national authorities to develop watch lists and databases of known and suspected terrorists, including FTFs, that can be used by law enforcement and border security agencies, customs, intelligence services and the military to screen travellers and conduct risk assessments and investigations, in compliance with domestic and international law, including human rights and fundamental freedoms;
50. Prompts national authorities to make use of existing databases, including those of the International Criminal Police Organization (INTERPOL) and ensure that the relevant national agencies are connected to and make regular use of such databases;
51. Calls upon national authorities to enhance co-operation with the private sector, in accordance with applicable law, especially with ICT companies, including in gathering digital data and information related to terrorism and FTFs; and strengthen international co-operation when taking national measures to prevent and counter terrorist exploitation of technology and communications to support terrorist acts, while respecting human rights and fundamental freedoms and consistent with their obligations under domestic and applicable international law;

52. Encourages participating States to deepen and expand existing partnerships among relevant organizations, and further develop the role and profile of the OSCE as a regional platform for the exchange of good practice, lessons learned and information, as well as for promoting co-operation among participating States;
53. Urges parliamentarians in the OSCE region to continue to engage at regional and international levels with a view to strengthening relevant legislative and policy frameworks, and exchanging best practice and lessons learned on the challenges stemming from the return and relocation of FTFs;
54. Calls on the 2019 and 2020 Chairs-in-Office of the OSCE to build on the successful efforts of the previous Chairs-in-Office and continue to promote an active role for the OSCE in this domain, in full co-ordination with the OSCE PA and leveraging their respective strengths;
55. Calls on the OSCE executive structures, in line with the OSCE's comprehensive approach to security and taking into account a gender and child-sensitive perspective, to continue to raise awareness, promote good practice and to assist the OSCE participating States in the implementation of relevant international obligations and OSCE commitments;
56. Encourages the OSCE PA Ad Hoc Committee on Countering Terrorism to continue to add value in this field through targeted initiatives in partnership with national and international stakeholders aimed at promoting the full implementation of the global counterterrorism framework while at the same time fostering a greater parliamentary engagement in counterterrorism matters;
57. Tasks the OSCE PA International Secretariat to continue to provide technical support to the work of the OSCE PA Ad Hoc Committee on Countering Terrorism through the organization of regular meetings, visits and other targeted initiatives, as relevant and within available resources.