Preventing Radicalisation and Terrorism in Europe

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A Comparative Analysis of Policies

Edited by

Maria Luisa Maniscalco
and Valeria Rosato

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FOREWORD

LUIGI MOCCIA

This book is an output of the TRIVALENT project[1]. TRIVALENT (Terrorism prevention via radicalisation counter-narrative) is a three-year European project. Officially started in May 2017, its activities will end in April 2020.

TRIVALENT is a large 'family' of 21 members, with a rather mixed composition. There are professional, academic and expert partners. The majority of members are law enforcement agencies: eleven police bodies (Italian, Albanian, Polish and Latvian police; Italian and Portuguese penitentiary police; Italian, Polish, Spanish and Belgian local police forces). This is an important and qualifying feature. In addition, there are six academic partners: five from four EU countries (Belgium, Italy, Spain, the UK) and one from a non-EU country (IDC/ ICT, Herzliya, Israel) plus four more expert partners with multidisciplinary expertise in the field of security and ICT from three EU countries (France, Italy, Spain).

To give an overall idea of TRIVALENT's rationale in terms of its main goals and vision, it is possible here to touch upon some general points.

There is no single way in which people are attracted by violent extremism; there is not even one way to contrast and prevent this phenomenon from happening and spreading in our complex, connected and increasingly conflictual societies.

In the context of EU countries facing the challenge of home-grown terrorism, TRIVALENT aims to offer an in-depth analysis of radicalisation leading to violent extremism in view of its prevention.

Essentially, TRIVALENT's focus on prevention can be summarised in a trilogy, where:

a) the first goal is to test the feasibility of IT early detection tools (*predict to prevent*);
b) the second one is to develop communication strategies focused on narrative formats, targeted for specific contexts and publics (*communicate to prevent*);

c) the third one is to design community-oriented policing based on partnership, trust building and problem solving, to be implemented through new skills guidelines and training-the-trainers programmes for law enforcement agencies and other front-line operators, as well as civil society and communities actors (*good policing and community engagement*).

Looking a bit closer at these goals, one may observe that each one carries some caveats.

Indeed, when considering early detection IT tools, one should also be aware of the methodological and conceptual difficulty of distinguishing between radicalisation and violent radicalisation, and moreover of identifying the so-called "markers" of extremism due to potential encroachments on free speech and the fact that there is no consensus on how to predict a person's path to violent extremism.

Again, when considering communication strategies and (social) media formats in which to frame and manage potentially highly conflictual polarisation issues, which frequently characterise the radicalisation process, one should be aware of the risk that so-called counter-alternative narratives may be conducive to overemphasizing the danger of Islamic extremism in particular.

Lastly, when considering community-oriented policing based on community partnership, trust building and problem solving, one should also be aware of clarifying the roles and responsibilities of law enforcement agencies (and public authorities in general), civil society, and private sector organisations in order to achieve improved cross-sector coordination and implementation.

All in all, however, and in a most synthetic way, the TRIVALENT rationale focuses on the idea of prevention based on balancing a securitarian with a communitarian approach.

Of course, this brings about the question of how to understand a community-oriented approach to prevention.

Briefly, it suffices to recall three main assumptions.

a) Basically, the reasoning underlying the communitarian approach to prevention makes it a turning point in prevention policies, strategies and tools.
b) From the viewpoint of the responses to the issues posed by violent extremism, regardless of its definition, what matters is the way in which such issues are and should be looked at.

c) As regards prevention, violent extremism is to be understood as a social as well as a security issue.

To sum up, in other words, given the slippery nature and uncertain meaning of expressions such as "radicalisation", "violent extremism" and even "terrorism", not by chance evidenced by the lack of consensus on an official international definition, the securitarian approach closely connected with law enforcement, which works for detecting and sanctioning committed or attempted crimes, becomes more problematic when applied to prevent crimes or the possibility of them occurring, if only because the law enforcement mechanisms need, to get in motion, crimes already committed or attempted. Moreover, an authentic approach to prevention should take into account a variety of factors and conditions, including the social nature of the issues related to the spreading of the radicalisation phenomenon, especially in certain environs and in relation to the so-called vulnerable.

Furthermore, the importance of detecting and countering the early signals of violent extremism, though serving to prevent at least the worst manifestations for a while, are not enough to prevent other possible occurrences. To this end, a deeper and more durable bottom-up action is needed that engages communities, i.e. through a community partnership built on mutual respect, trust-building and problem-solving attitudes and skills.

Therefore, greater attention to the fact that radicalisation and extremism, beyond posing security issues, also reflect social issues is at the basis of what could be called the paradigm shift from a more conventional securitarian approach towards a more suitable communitarian approach to prevention involving communities and civil society actors/stakeholders.

I would like to make here a prospective conclusion by recalling that the need for an innovative policy approach in the field of preventing/countering violent extremism, understood to mean preventive measures that seek to address the drivers and the root causes of radicalisation, posits the question of whether, in today's world, a counter-terrorism approach entrusted only or predominantly to officials and professionals in security (and intelligence alike) needs to be supported and completed with policies, strategies and measures empowering the role of civil society and communities also.

In other words, security, strictly understood as the sole prerogative of professionals in law enforcement, needs to be supported and completed with many more skilled people committed to working in the 'art' of

prevention based on early detection/predictive tools, suitable narratives and community partnership, aimed at trust building and problem solving at the grass-root level.

Indeed, radicalisation leading to violent extremism, however complex the phenomenon in its multifarious and somewhat intertwined causes and drivers at micro, meso and macro levels, presents behavioural signals and symptoms (languages, postures, views) of socially recognisable relevance, with respect to which if (and to the extent to which) it is possible to resort to detection (predictive) tools and risk-reduction measures finalised to counter this phenomenon by way of suitable narrative formats of communication and dialogue with and between law enforcement agencies and communities, it should also be possible, nay, necessary, to provide support for problem solving, through civil society engagement, on the side of all the actors involved.

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Notes

[1] This publication is the result of a research effort executed in the frame of the TRIVALENT Research Project. This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement no. 740934.

INTRODUCTION

MARIA LUISA MANISCALCO
AND VALERIA ROSATO

Terrorism is not a novelty in the recent history of Europe. Starting at the latest in the second half of last century, various types of terrorist attacks have been linked with nationalist and separatist movements (e.g. the Irish Republican Army in the United Kingdom and the Basque Euskadi Ta Askatasuna in Spain) or related to political extremism, including anarchism, the far left (e.g. Italian Red Brigades, the Greek 17th November Revolutionary Organisation, the French Action Directe, the German Rote Armee Fraktion, etc.) and the far right (e.g. Ordine Nuovo in Italy, National- sozialistischer Untergrund – NSU in Germany and New Force in Spain) movements and groups.

While some forms of violent political extremism do still exist, starting from the new millennium, the EU member states – the Western countries, in particular – have become more concerned about the threat deriving from the so-called jihadist terrorism. Its international, transnational and local nature, along with its purpose to prepare or establish a global Islamic State (the Caliphate) and to deeply transform worldwide societies, make it stand out from other national or regional (local) terrorist movements.

The perpetrators' determination and the emotional coverage of the attacks by the mass media have nurtured a feeling of fear and anxiety in Western public opinion. Since 2014 the growing series of jihadist attacks, together with various foiled and failed terrorist plots, have reinforced the widespread awareness of the vulnerabilities in open European democracies. The anxiety is aggravated by the fear that terrorists can take advantage of supportive Muslim communities in the European territories.

Jihadist terrorism has been the main focus of counter-terrorism policies, not only for security reasons but also more generally for its impact on the peaceful coexistence and social stability in the context of multicultural communities at local, national, European, and international levels. It not only threatens people's lives but also polarises societies, spreads hatred and suspicion and creates tension between ethnic groups

and religions. According to a 2017 study commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee),

> the increasing focus on jihadist terrorism by Member States is illustrated by statistics on a high number of suspects, criminal proceedings and arrests in regard to jihadist terrorism as compared to a relatively small number from other forms of terrorism such as left-wing, right- wing and separatist terrorism[1].

Jihadist terrorism has a chameleonic nature, equipped with considerable capabilities to associate actions carried out by lone individuals and more complex coordinated attacks. The elimination of terrorist leaders, law enforcement measures (as in the prosecution and incarceration of suspects) and the use of countermeasures of intelligence, law enforcement agencies and military forces, may be not sufficient and cause unintended consequences. The decline of a particular organisation will not be sufficient if new organisations spring up or if the old group can regenerate. What we might see as a victory may not be the end of terrorism if its narrative endures, fueling violence and fostering feelings of exclusion; so, the collapse of the Islamic State (IS) will not end the jihadist problem.

Coping with contemporary jihadist terrorism requires multidimensional strategies and combinations of coercive and conciliatory measures. We also need a community-oriented approach to prevention and a cultural struggle in order to demolish the jihadist narrative and portray terrorists as unsuccessful political fighters and "losers" rather than religious heroes.

Within the general framework of the European TRIVALENT project, the comparative analysis presented in this book focuses, alongside policy measures taken at the EU level, on the counter terrorism and counter-radicalisation policies implemented by five countries – Belgium, France, Italy, Spain, and the United Kingdom, as particularly significant European case studies – in order to assess their strengths and weaknesses and identify possible areas of improvement.

Below is the rationale behind the selection of these five countries:

- Belgium is a relatively small EU Member State which, however, has recently witnessed multiple terrorist plots and attacks on its national territory and recorded the highest number of terrorism-related convictions in Europe. Moreover, the country's legal and law-enforcement systems have come under growing scrutiny, with

concerns being raised regarding their ability to effectively tackle the jihadist threat without undermining fundamental rights. The "high" threat level experienced by Belgium, combined with questions surrounding the effectiveness of its response capacity, make the country particularly worthy of consideration.

- France is a large EU Member State that has suffered some of the deadliest terrorist attacks perpetrated in Europe over the last decade. Since November 2015, the country has been struck by more than 20 attacks, many of which targeted members of the police and the military. In addition to the multitude of attacks, events such as the mass exodus of French foreign fighters to Syria have marked a critical transition in French counter-terrorism policy. Emergency measures were introduced in the aftermath of the 2015 Paris attacks. Although officially repealed in November 2017, the law promulgated to replace them incorporates some elements of the previous state of emergency, triggering claims that the provision may be harmful to citizens' civil liberties.
- Italy is also a large EU Member State. While the country has not been struck by any major terrorist attacks of jihadist matrix, and Italian figures concerning radicalisation are lower compared to those of other EU countries, Italy remains a highly symbolic target and has been subject to numerous calls for attacks by the IS. In response to the threat, the country recently modified its legislative framework in order to implement several EU counter-terrorism measures. Among Italian best practices in counter terrorism, there is also a well-established cooperation between the different intelligence agencies and between them and police forces, including penitentiary police.
- Spain is another large EU Member State which, in addition to its history of domestic terrorism, has suffered two serious Islamist terrorist attacks: the Madrid train bombings in 2004 and the Barcelona van attack in 2017. Spain has also updated its legal framework in recent years in response to UN Security Council Resolution 2178 on "foreign terrorist fighters". The latest legislative reform of 2019 amends some articles of the Penal Code through the transposition of an EU Directive concerning the crime of terrorist groups and organisations and terrorist offences.
- The United Kingdom is currently the European country with the lengthiest record of domestic counter-terrorism laws. The UK has suffered many serious terrorist attacks in recent years and is arguably the forerunner in initiating "soft" preventive counter-

radicalisation measures involving actors from civil society. Although it has an opt- out from the Framework Decision on Combating Terrorism (and will not take part in the EU Directive), and although the Brexit will alter its relationship with the EU further, the UK remains nevertheless a key regional partner for the EU and for member states in the fight against terrorism and violent extremism.

These case studies, with their peculiarities and differences, allow a delineation of the role of long-term and structural factors in defining counter terrorism and counter-radicalisation policies, as well as the impacts that specific occurrences can have.

Different types of public policies, including repressive, preventive, legal, and administrative measures, have been analysed together with the role of civil society in preventing and mitigating radicalisation processes.

The book offers an updated and critical description of the main anti-terrorism and anti-radicalisation policies and measures of the five countries and their strengths and weaknesses, identifying the possible evolutionary lines and proposing a series of recommendations.

Notes

[1] Policy Department for Citizens' Rights and Constitutional Affairs, "EU and Member States' policies and laws on persons suspected of terrorism-related crimes," PE 596.832 (December 2017), 10.

PART I

PREVENTING RADICALISATION AND TERRORISM POLICIES

CHAPTER ONE

THE EUROPEAN UNION AND THE PREVENTING RADICALISATION AND TERRORISM POLICY

SANTINA MUSOLINO

1. Background

In the years preceding the 9/11 attacks, the European Commission already had concrete ideas for measures that would be potentially useful to combat terrorism, but there was no common sense of urgency or political determination at the EU level to introduce or ratify these measures. The year 2001 was a watershed in the history of European anti-terrorism policy: terrorism and violent radicalisation became the major concerns of the EU and its member states. After this dramatic event, the EU member states realised that they all faced one collective terrorist threat. This was a crucial moment that prepared the ground for the development of a common EU counter-terrorism policy. The subsequent institutionalisation of this cooperation – especially through the establishment of the European Arrest Warrant, the Counter Terrorism Coordinator and the European Counter Terrorism Centre within Europol – has contributed to a "routinization"[1] of counter-terrorism practices in the European Union. In an extraordinary meeting ten days after the 11 September 2001 attacks on the World Trade Centre (WTC) and the Pentagon, the European Council (EC) declared the fight against terrorism to be an EU priority objective[2]. In particular, two gatherings – an extraordinary European Council meeting in Brussels and a second informal Council meeting in Ghent on 19 October 2001 – marked the beginning of a long list of meetings and the start of the so-called "Anti-terrorism Roadmap", a plan of concrete counter-terrorism actions for the EU.

The EU's counter-terrorism agenda has been "to a large extent 'crisis-driven'"[3] and was heavily influenced by several major shocking events: 9/11; the Madrid and London bombings; the rise of the Islamic State in

Iraq and Syria (ISIS); the terrorist attacks in France of 2015 and 2016; the attacks in Brussels and Berlin in 2016; and the recent attack in Strasburg on December 2018.

Even though the perception of terrorist threat has become ever more shared within the EU post-9/11, a more coherent EU counter-terrorism policy took shape only between 2004 and 2005. The Madrid and London bombings of 2004 and 2005, in fact, prompted the EU to develop initiatives to better understand the root causes of terrorism and led to identifying radicalisation as the main focal point in combating terrorism. The attacks did not show a clear link with al-Qaeda or any other global Salafi network. In the London case, the jihadi terrorists were home-grown and to a large extent operated independently. This self-organisation of jihadist terrorist groups, functioning without financial and operational support from a central terrorist organisation, has led to an important transformation in the perception of the terrorist threat in Europe: from the almost exclusive focus on al-Qaeda, prevalent immediately after the 9/11 attacks, to home-grown terrorism as a result of "intra-EU radicalisation processes and terrorist recruitment"[4].

The amendment of the Framework Decision 2002/475/JHA[5] in 2008 added several more activities to the list of criminalised ones and shifted the focus on criminalising preparatory acts and incitement to terrorism. Moreover, it stressed the importance of reconsidering the potentialities of a preventive action. The adoption of the EU Internal Security Strategy in Action[6] in 2010 and the creation, in 2011, of the EU Radicalisation Awareness Network (RAN) outlined the importance of creating a network connecting first-line experts from various EU member states.

The following years and the events that marked them – the Syrian civil war, the rise of the ISIS and a series of new terrorist attacks – forced the European Union to reconsider its counter-terrorism policies due to another change in the terrorist threat perception and the emergence of new challenges. The first of these challenges was the management of the phenomenon of so-called "foreign fighters"[7]. The civil war in Syria and the rise of ISIS, in fact, attracted a large number of individuals travelling from all over the world, including Europe, to take part in this conflict. In June 2014 about 2500 European fighters had travelled to Syria, but this number had risen to more than 5000 in November 2015. The majority of these fighters joined extremist groups and "about 30% of them have returned to Europe"[8]. Moreover, although not all returnees have become terrorists, many of them have gone through a radicalisation process that has made them more likely to resort to violence. There is also evidence that the so-called "Islamic State" has instructed some of its combatants to

return to Europe to perpetrate terror ist attacks, spread propaganda, and radicalise and recruit other potential militants[9].

The new threat represented by foreign fighters dramatically materialised in a series of terrorist attacks in the EU between 2015 and 2017, prompting all member states to think about new measures in the fight against terrorism. In particular, the attack on the offices of the French satirical weekly newspaper *Charlie Hebdo*, on 7 January 2015, led the EU Justice and Home Affair Council (JHA) to publish the Riga Statement[10], which identified terrorism, radicalisation, recruitment and terrorist financing to be among the main threats to EU internal security. It appeared immediately clear that the threat was no longer just an internal threat but also an external one. Furthermore, the investigations about these attacks showed "the transnational aspects of the operative cells that prepared the attacks and the international support networks related to that"[11].

In order to respond to the changes of terrorist threat, the Commission in December 2015[12] proposed the adoption of a new directive on combating terrorism, which was supposed to strengthen framework decisions and add new criminal offences that address the foreign fighter phenomenon.

Another Paris attack – the massacre at the Bataclan Theatre on 13 November 2015 – was the deadliest in the EU since the 2004 Madrid attack. Then, in 22 March 2016, suicide bombings took place at the Brussels airport and Maalbeek metro station in the EU quarter of Brussels. In response to the November 2015 and March 2016 attacks, the European External Action Service (EEAS) proposed new policies[13]. The purpose and justifications of these new policies were clearly focused on strengthening European boundaries in external relations, despite the rising wave of extreme nationalist sentiment within some member states. In particular, EEAS improved the internal-external nexus of security, EU-US intelligence sharing and formal/informal diplomacy to promote cooperation with third countries. With the aim of improving the cooperation between police and judicial agencies within the EU and data exchange between member states, the European Counter Terrorism Centre was launched in January 2016 and in June of the same year, the Council produced a "roadmap to enhance information exchange and information management, including interoperability solution in the Justice and Home Affairs area"[14].

Finally, the dramatic episodes mentioned above and those which occurred subsequently – the attack in Nice in July 2016 and the attack on the Christmas Market in Berlin in December 2016 – seemed to demonstrate a further transformation in the threat to the citizens of the EU:

the emergence of the phenomenon of the lone wolf and the "weaponisation of ordinary life"[15].

2. State of the existing policy

Although in 2005 the EU adopted a specific counter-terrorism strategy, counter-terrorism remains part of a broader "EU security architecture"[16]. Policy making in this area has therefore also been influenced by other general strategies. One of them – the 2015 European Agenda on Security identifies terrorism as one of the three priority areas for EU security, together with organised crime and cybercrime. In the context of the Agenda's implementation, the idea according to which "the EU and its member states need to move beyond the concept of cooperating to protect national internal security to the idea of protecting the collective security of the Union as a whole"[17] emerged.

Some components of the European Union's "multifaceted fight against terrorism"[18] include the exchange of information between police and intelligence agencies; the development of external action; the managing of complex threats and natural disasters; the control of European borders; the fight against terrorist recruitment and financing; and the production of counter-terrorism legislation[19].

The most relevant counter-terrorism policy initiatives and measures put in place by the EU mainly concerned these "policy themes"[20]:

a) Measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange;
b) Data collection and database access;
c) Measures to enhance external border security;
d) Measures to combat terrorist financing (including the Anti-Money Laundering Directive and the Terrorist Finance Tracking Programme, TFTP);
e) Measures to reduce terrorists' access to weapons and explosives (including the proposed revision of the Firearms Directive);
f) Criminal justice measures (including the new directive on combating terrorism);
g) Measures to combat radicalisation and recruitment (the work of the RAN)[21].

Each of the above-mentioned initiatives and measures will be further developed and described in the following pages using the analytic dimensions of preventive measures and repression measures.

Since one of the four pillars of the EU Counter-Terrorism Strategy is prevention, prevention of radicalisation is considered an important aspect of the general approach of the EU to combat terrorism and counter radicalisation and violent extremism. Several strategies and programmes have been developed, which include "a special EU Strategy for Combating Radicalisation and Recruitment to Terrorism, a Media Communication Strategy, a Check-the-Web project, and an EU-wide Empowering Civil Society-programme"[22]. However, in terms of mandates, prevention of radicalisation is considered "an area that falls under the sovereign authority of the Member States"[23] At the EU level, various tools, strategies, programmes, networks, and platforms were created to inspire and encourage Member States to develop policies and instruments on local and national local levels. The Radicalisation Awareness Network (RAN) can be considered to be "the main actor in place to give follow-up to the objectives of the EU and functions as a network to exchange experiences, collect good practices and offer training to first-line responders"[24].

An important area within the dimension of preventive measures is that which concerns the measures and tools for data collection, database access and information exchange. The EU has created several structures with the aim of allowing data collection, operational cooperation and information exchange concerning intelligence, law enforcement and justice. One of the first structures was the International Criminal Police Organisation (Interpol), an intergovernmental organisation designed to provide its member countries with direct access to "a wide range of criminal databases, containing millions of records on fingerprints, DNA, stolen motor vehicles, firearms, stolen and lost travel documents and more"[25]. With the aim of facilitating the exchange of information between EU member states' criminal records databases, the European Criminal Records Information System (ECRIS) was also created in April 2012[26]. A Council Decision of 2002[27] introduced an important agency in the field of operational cooperation and law enforcement – the European Union's Judicial Cooperation Unit (Eurojust) – which aims to stimulate and improve the coordination of judicial investigations and prosecutions for cases with links between two or more member states.

In 2004, Council Decision 2004/512/EC[28] established the Visa Information System (VIS) to allow the processing of data concerning third-country nationals applying for short-stay visits or travelling through the Schengen member states. VIS involves the exchange of visa data between the member states to conduct a common visa policy.

Framework Decision 2006/960/JHA[29] – also known as the "Swedish Decision" because of the initiative by Sweden – established the rules for

member states' law enforcement authorities to simplify the exchange of information more effectively and in order to detect, prevent and investigate criminal offences and conduct criminal intelligence operations.

In 2009 the European Union Agency for Law Enforcement Co-operation (Europol) was created to help member states deal with a specific set of criminal offences, including terrorism. Europol collects, stores, processes, analyses, and exchanges information and also facilitates operational cooperation via Joint Investigation Teams (JITs). Moreover, the Agency provides law enforcement expertise to the member states and produces threat assessments, strategic and operational analyses, and general situation reports such as the annual and public TE-SAT (Terrorism Situation & Trend Report).

For the functions of operational cooperation and information exchange, Europol maintains the following tools:

- Europol Information System (EIS): Europol's central reference system to verify the availability beyond national jurisdictions of data relating to suspected and convicted persons, criminal structures, offences and the means to commit them.
- Secure Information Exchange Network Application (SIENA): allows for the exchange of operational and strategic information and intelligence relating to crime between Europol, the member states and third parties that have a cooperation agreement with Europol[30].
- Europol Analysis System (EAS): the operational information system through which information can be managed and analysed through tools offered by the system.
- European Counter Terrorism Centre (ECTC): a centre for expertise focused on foreign fighters, terrorist financing, online terrorist propaganda, illegal arms trafficking, and international cooperation since January 2016.
- 24/7 operational centre: the central Europol hub for processing incoming data.

Europol has become an important "player" in EU counter terrorism and, as already noted, its role was reinforced in the aftermath of the 9/11 attacks. Europol's counter-terrorist efforts have been mainly directed towards tackling Islamist-inspired terrorism. Activities carried out by Europol include:

a) Analysing gathered information from strategic, tactical and operational perspectives;
b) Undertaking threat and risk assessments;
c) Supporting operational investigations in the member states, when requested;
d) Monitoring, tracking and preventing all forms of illicit trafficking of nuclear material, arms, explosives, and weapons of mass destruction;
e) Maintaining regular contact with terrorist experts.

In order to strengthen Europol's counter-terrorist efforts, the European Counter Terrorism Centre (ECTC) was created in January 2016. The official website of Europol presents the ECTC as an "operations centre and hub of expertise that reflects the growing need for the EU to enforce and implement its response to terrorism"[31]. Specifically, the ECTC focuses on:

a) Tackling foreign fighters;
b) Sharing intelligence and expertise on terrorism financing amongst member states (through the Terrorist Finance Tracking Programme and the Financial Intelligence Unit);
c) Monitoring and suggesting preventive measures against online terrorist propaganda and extremism (through the EU Internet Referral Unit);
d) Countering illegal arms trafficking;
e) Fostering the international cooperation among counter-terrorism authorities[32].

Part of Europol's ECTC is the EU Internet Referral Unit (EU IRU), which started its activities in July 2015 and whose mission is "to link the virtual face of terrorism to its physical aspect by connecting prevention and investigation capabilities"[33]. The EU IRU's role is to identify the disseminators of terrorist propaganda and reduce accessibility to terrorist content online by providing a resilient referral capability for the member states. Moreover, this unit provides internet-based investigation support to respond to the member states operational needs[34].

In recent years, there have been some interesting improvements on the EU level. In addition to the evolution of Europol's ECTC, the Counter Terrorism Group (CTG) was improved in 2016 with the creation of a common platform for the exchange of information between member states' security services.

In general, the foundation of CTG and ECTC within Europol can be seen as concrete testimony of the fact that counter-terrorism cooperation has become increasingly institutionalised in the EU. This institutionalisation – as recently highlighted by Christian Kaunert and Sarah Léonard – has contributed to the "routinisation of EU counter-terrorism practices"[35]. In order to address the complex landscape of differently governed information systems, the Commission set up – under Commission Decision C/2016/3780 of 17 June 2016[36] – the High-Level Expert Group on Information Systems and Interoperability (HLEG), whose aim is to "contribute to an overall strategic vision on how to make the management and use of data for border management and security more effective and efficient, and to identify solutions to implement improvements"[37].

In order to guarantee control of the external border and support the management of migration, the EU – always with a preventive perspective – has built up tools and established specific measures. In 2003 the European Dactyloscopy (Eurodac), the European Union (EU) fingerprint database for identifying asylum seekers and irregular border-crossers, was created. Since its appearance it "has proved to be a very important tool providing fingerprint comparison evidence to assist with determining the member state responsible for examining an asylum application made in the EU"[38].

On October 2013, the EU adopted a regulation establishing the European border surveillance system Eurosur, an information-exchange framework for generating EU-wide situation awareness and for detecting, preventing and combating illegal immigration and cross-border crime and saving migrant lives at the external borders of the member states.

The Schengen Information System II (SIS II) was activated in 2013[39]. SIS II is the successor of SIS I, in operation until May 2013. Both the SIS I and the SIS II include

> the national systems which are established in the member states of the Schengen Area and with the help of network they are connected to the central system. The SIS II ensures the information management infrastructure that is helping to ensure the border control and the security control, as well as it helps for the court cooperation[40].

Another important step to ensure the prevention, detection, investigation, and prosecution of terrorist offences and serious crime is the adoption – 27 April 2016 – of Directive (EU) 2016/681 on the use of the Passenger Name Record (PNR). The Directive notably "provides for the obligation of air carriers to transfer to member states the PNR data they

have collected in the normal course of their business"[41]. After a few months, the European Border and Coast Guard Agency (EBCG) replaced the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), which had been in operation since May 2005. The EBCG has the task of implementing European-integrated border management at the national and EU levels to ensure freedom of movement within the EU as well as contribute to maintaining an area of freedom, security and justice[42].

In this regard, in March 2017, member states produced the Rome Declaration, which invited the EU to take measures (the so-called "Rome Agenda") on migration, terrorism, socio-economic development, security and defence, and the environment[43]. The declaration's main requests were that the Union remained "the best instrument" to address policy challenges and that the Member States and EU institutions would continue to work "in a spirit of trust and loyal cooperation"[44].

Alongside the preventive measures described above, European counter-terrorism and security policies have also been articulated through a series of measures and tools that fall within the second dimension cited – the repressive one. The first group of repressive measures includes the tools designed to combat terrorist financing. In general, the EU policy regarding combating terrorist financing and sanctions aims at disrupting the flow of financial resources to and from terrorist organisations and individual terrorists. The two main components of action are measures by which private entities that handle funds for clients are tracked to ensure that suspicious transactions are reported to the authorities on the one hand, and the assets of persons involved in supporting terrorism (sanctions) are frozen, on the other[5]. The main repressive tool in counter-terrorism policies consists of criminal justice measures used to punish and prevent the commission of terrorist acts. The key legal instrument is the directive on combating terrorism, replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA. An important piece of legislation among the acts recently adopted by the Union legislature is Directive (EU) 2017/541, adopted on the basis of Article 83 (Ex-Article 31 TEU)[46] and considered necessary to align the EU legal framework with the changing international legal context, taking into account, in particular, United Nation Security Council Resolution 2178 (2014) and the Additional Protocol to the Council of Europe Convention on Prevention of Terrorism.

Interventions, measures and instruments designed and created to combat terrorism and radicalisation can be placed in a sort of "intersection" between preventive and repressive measures.

In recent years, awareness about online radicalisation has increased. In 2015, the European Commission launched the EU Internet Forum with the aim of stopping the misuse of the internet by international terrorist groups, as well as providing a framework for efficient and voluntary cooperation with the internet industry to control terrorist online content. Building on the ongoing work within the EU Internet Forum, on 1 March 2018, the Commission recommended a set of urgent operational measures that online platforms and member states should take, including the swift detection and removal of terrorist content online and increased cooperation with law enforcement authorities (LEAs). As we have already seen in the pages dedicated to the role of Europol, the EU Internet Referral Unit (IRU) works to anticipate and pre-empt terrorist abuse of online platforms. The IRU identifies terrorist content and provides operational support and analysis to EU member states. Within the fight against online radicalisation, an important issue has become the creation of the online counter-narrative. In order to spread alternative narratives, the European Commission decided to support civil society partners through the Civil Society Empowerment Programme. Under this programme, the Commission finances campaigns that provide alternative narratives to terrorist propaganda and that promote fundamental rights and values. About this last point, in January 2018, the Commission proposed a Council Recommendation on "promoting common values, inclusive education, and the European dimension of teaching"[47] aiming at ensuring that young people understand the importance of common values, strengthening social cohesion and contributing to fighting the rise of extremism, populism, xenophobia, and the spread of fake news, especially on the web.

Recent EU action has followed a double approach – on one hand denying terrorists and criminals the means with which to act while on the other, building resilience against terrorist attacks. In the first approach, the recently adopted Fifth Anti-Money-Laundering Directive completes the existing EU framework for combating money laundering and terrorist financing. The Directive aims to facilitate the work of financial intelligence units and address the risks linked to virtual currencies and anonymous prepaid cards. Moreover, in order to prevent terrorists from easily acquiring firearms a directive on the control of the acquisition and possession of weapons, a law that started to apply in 2018, has been adopted.

Regarding external border protection, the EU has recently improved the use of existing databases and has tried to fill the information gaps by creating new ones. In 2017, a specific amendment to the Schengen Borders Code introduced an obligation to carry out systematic checks against

relevant databases at external land, sea, and air borders on all persons, including EU nationals. More recently, two new information systems were adopted: an Entry/Exit System (EES) to register entry and exit data and refusal of entry data for non-EU nationals crossing EU borders, and a European Travel Information and Authorisation System (ETIAS) to support security checks on visa-exempt non-EU nationals. These systems should be operational starting from 2020 and 2021, respectively.

3. Loopholes and gaps in existing policies

In the last decade, the EU has developed a counter-radicalisation policy that goes hand in hand with the counter-terrorism policy. The analysis of the current state of the EU's counter-radicalisation strategy reveals new trends also found in contemporary international security. Among these identified trends of particular importance are the predominance of preventive strategies, the "crime-terror nexus"[48] and the "over-representation of Islamist-inspired terrorism in EU policy documents and strategies"[49] while other forms of terrorism are mostly absent. This last aspect was also highlighted by a study for the LIBE Committee about the coherence, relevance and effectiveness of European Union's policies on counter terrorism. In this report, in fact, we read

> the counter-terrorism agenda primarily reflects the security concerns of Western and Northern European Member States around jihadism. Threat perceptions and counter-terrorist "legacies" in Central and Eastern Europe and Member States might be different. Moreover, the potential for political violence does not solely rest with jihadists as the attack by Anders Behring Breivik in Norway in 2011 showed[50].

The reconstruction of the state of European Union policies on counter terrorism and prevention of radicalisation – above all taking into account their coherence and effectiveness – has made clear the presence of some limits and gaps. The first gap identified is the lack of evidence for programmes addressing radicalisation. Radicalisation research has received a lot of attention and funding – and many of these funds have been guaranteed by EU programmes; nevertheless, despite its exponential growth in recent years, we still know very little about the actual causes, processes and mechanisms of radicalisation. Another critical aspect regarding EU counter-terrorism and counter-radicalisation policies is the lack of operational cooperation between LEAs, which is also linked to some gaps in the use of information systems at both the national and EU agency levels[51]. The amount of information exchanged by national

authorities has increased in recent years; however, it seems that the EU databases are not being used to their full potential because, for example, investigations of major terrorist attacks in the EU have revealed situations where information was not shared between national authorities[52].

Another relevant gap is in the effective fight against terrorism. The implementation and enforcement of EU tools and measures in the fight against terrorism have not yet been fully evaluated, especially as regards their coherence and compliance with fundamental rights. The European Commission has conducted a comprehensive assessment of EU security policy and this effort could be seen as a positive first step. However, the invalidation by the Court of Justice of several EU legal instruments[53] in this field suggests that the EU institutions have failed many times to take fundamental rights into account in the process of counter-terrorism law and policy-making.

The issue of the coherence and compliance of EU counter-terrorism policies with fundamental rights is closely related to some implications deriving from the growing counter-terrorist power given to Europol and highlighted by recent research and studies. As a result of Europol becoming "highly bureaucratized"[54], the police are now technical actors in the fight against terrorism and this has "depoliticised"[55] counterterrorist efforts. The depoliticisation of terrorism has turned out to be a strategy to "normalise" counter-terrorist procedures and facilitate cooperation because it removes the need to analyse the motivations behind terrorist acts and transform anti-terrorist cooperation into a "technical matter"[56]. In this way, counter terrorism has become part of the 'normal' criminal policies and, as such, it has become "smoother and quicker"[57].

This strategy, anyway, raises serious questions concerning the accountability of Europol and the legitimacy of its work. In this regard, according to Julia Jansson, despite the apparently "technical" and depoliticised nature of police cooperation, Europol has transformed itself into a policy maker instead of retaining its role as a merely executive organ. Furthermore, the close collaboration with third states and organisations seems to make police collaboration "even more autonomous and less accountable"[58]. Particularly problematic is the collaboration between Europol and the United States for at least two reasons. First of all because of the continuous use of the death penalty in the United States, while the actions of Europol should follow the principles set by the European Convention on Human Rights, which bans the death penalty "in all circumstances"[59]. A second reason is related to the problem arising from the Europol-United States agreement that grants the United States

authorities more rights to access Europol data than the national authorities of EU member states.

Sharing data with United States officials is problematic because the United States does not have a structured data protection legislation, and because the agreement does not explicitly deny the possibility of United States officials sharing Europol information with third parties or states[60].

A final important consideration – deriving from a recent comprehensive assessment of EU Security Policy by European Commission[61] – is the need for "a more long-term, societal approach in counter-radicalisation policies"[62]. Current security, counter-terrorism and counter-radicalisation policies, in fact, do not take sufficient account of long-term and socio-economic factors at the national andEuropean level. In reality, however, the response to radicalisation should be global, which would mean that a fundamental step towards effective counter radicalisation is represented by regional, national and international cooperation. This cooperation is "relatively well developed in the sphere of counter-terrorism (for example, at the level of intelligence sharing) but less so when it comes to the prevention of radicalisation"[63].

4. Conclusions

An analysis about the impact of EU counter-terrorism strategies on domestic arenas led to finding – according with Monika Den Boer and Irina Wiegand (2015[64]) – a convergence between the national counter-terrorism systems in the EU member states. The convergence becomes visible at four different levels: "political-strategic, organizational, procedural, and legal"[65].

1) Political-strategic level: In the different political arenas, counter-terrorism strategies have been adopted with the promotion of multidisciplinary, cross-sector or integrated security approaches, which "forces police and justice organizations to take account of different organizational perceptions, images and cultures"[66]. Several counter-terrorism strategies developed at the national and European levels "have adopted similar strategic vocabularies, which may be interpreted as a form of political-strategic convergence"[67];
2) Organisational level: At an organisational level, the convergence between national counter-terrorism organisations in member states may also be characterised by "an organic sensitivity to internal and external impulses. As organisations seek to create responses to old problems, new problems arise"[68];