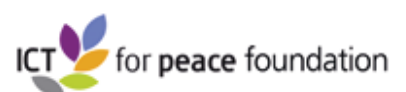




Institut suisse de droit comparé  
Schweizerisches Institut für Rechtsvergleichung  
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Swiss Institute of Comparative Law

December 8, 2017  
Dorigny, Lausanne

# The Legal Framework for Countering Terrorist and Violent Extremist Content Online



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## Introduction

Recent terrorist attacks have shed light on how the information and communications technologies (ICTs) are crucial to terrorists' activities. The Internet in particular appears as a key element to disseminate propaganda, recruit and train, radicalize, engage in the illicit trade of weapons, generate funds, plan and coordinate terrorist activities and glorify terrorists' atrocities.

Conscious of this significant and growing threat, the Security Council of the United Nations, in its resolutions 1371 (2001), 1624 (2005), 2178 (2014), 2322 (2016) and 2354 (2017) recognizes the potential abuse of the ICTs for terrorist purposes and calls upon Member States to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law, in particular, human rights and fundamental freedoms. Resolution 2354 (2017) welcomes the Counter-Terrorism-Committee document entitled "Comprehensive International Framework to Counter Terrorist Narratives" number S/2017/375 with recommended guidelines and good practices to effectively counter the ways that ISIL (Da'esh), Al Qaida and associated individuals, groups, undertakings and entities use their narratives to encourage, motivate, and recruit others to commit terrorist acts. The International Framework consists of three components: 1) Legal and law enforcement measures in accordance with obligations under international law and consistent with United Nations resolutions; 2) Public-private partnerships; and 3) Counter-narratives. Legal and law enforcement measures taken consistent with United Nations resolutions and Member States' obligations under international law to prohibit and prevent incitement to commit acts of terrorism are a core part of the comprehensive international framework to counter terrorist narratives. It should be recalled that, in all actions taken to counter and prevent incitement to commit terrorist acts, it is important to distinguish between communications that may be criminal in nature and others that, while morally repugnant, do not rise to that level.

Among the measures considered necessary and appropriate to counter abuses of the internet, many states have developed the technical and legal means to monitor, block, and take down online content deemed terrorist or violent-extremist." A challenge in this regard concerns the compatibility of the different measures with human rights and fundamental freedom, in particular freedom of expression, a concern repeatedly expressed by the Council of Europe. In this regards, the Swiss Institute of Comparative Law drafted a study, which shows a wide diversity of approaches among the Member States of the Council of Europe. These range from mere practices left in the hands of the private sector to a specific legal framework setting up special administrative or judicial powers to order blocking or taking down of specific online contents. On the regional level, the European Union has adopted Directive 2017/541, according to which criminal provisions and blocking provisions relating to terrorism will be harmonized.

## Event

The Swiss Institute of Comparative Law will organize, on 8 December 2017, an international conference in collaboration with the UN Counter-Terrorism Committee Executive Directorate (UN CTED), ICT4Peace and the Ethics and Communication Law Centre of the *Università della Svizzera Italiana* on the legal framework according to which terrorist and violent extremist content online is blocked or taken down.

The primary aim of the proposed event will be to offer a better understanding of the diversity of legal approaches followed by States as well as the private sector regarding measures of blocking and taking down of terrorist and violent extremist content online. In addition, the conference will aim at identifying good practices to counter Internet abuse for terrorist purposes. In doing so, it will focus on the legal aspects of measures of monitoring, blocking and taking down of terrorist and violent extremist content online. This will especially be relevant with regard to the implementation of the Directive 2017/541 by the different Member States of the European Union. Due to the worldwide character of Internet, the law and practices of Non-European jurisdictions will also be included.

In order to understand not only the different national approaches, but also the different dynamics, the conference will however follow a multi-stakeholder approach. It will also take into account the technical and economic aspects around measures of blocking and taking down of Internet content.

With its focus on legal aspects, the conference addresses in the first place academics, government officials, lawyers and legal professionals working for the different stakeholders. It is also open to lawyers generally interested in the regulation of internet.

## Speakers included

**Stephan Husy**, Ambassador-at-Large for International Counter-Terrorism, Swiss Federal Department of Foreign Affairs, **Maura Conway**, Dublin City University, **Marc Porret**, UN Counter-Terrorism Executive Directorate, **Jeroen Blomsma**, European Commission, **Johanna Fournier**, Swiss Institute of Comparative Law, **Maryam El Hajbi**, EUROPOL, **Lukas Heckendorn Urscheler**, Swiss Institute of Comparative Law, **Nikolas Guggenberger**, WWU Münster, **Bertil Cottier**, Università della Svizzera Italiana, **Solange Ghernaouti**, University of Lausanne (UNIL- IT security), **Christina Schori Liang**, GCSP (Geneva Centre for Security Policy), **Maryam El Hajbi**, EUROPOL (Internet Referral Unit), **Adam Hadley**, ICT4Peace, **Kristian Bartholin**, Council of Europe, **Sharri R. Clark**, PhD, Office of Countering Violent Extremism (CVE).

## How to find us

### By air

The closest airport is the Cointrin airport located in Geneva (approx. 60 km from the Institute). From the Geneva-Cointrin airport, there is direct access to Lausanne's main railway station by train.

### By train

Exit Lausanne's main railway station (CFF), cross the Place de la Gare and locate the metro station (Lausanne CFF). Take the metro m2 one stop to the station Lausanne-Flon. At the Lausanne-Flon metro station, transfer to the Metro m1. Take the Metro m1 to the station UNIL-Dorigny (6th stop) and follow the signs marked Institut Suisse de droit comparé.

### By car

Take the freeway A1 or A12/A19 (direction Lausanne-Sud). Exit at Université-EPFL. The Swiss Institute of Comparative Law is located on the right of the freeway; follow the sign to the ISDC parking lot.

[www.isdc.ch](http://www.isdc.ch)

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